

MISSISSIPPI CODE 1972 ANNOTATED

ADOPTED AS THE OFFICIAL CODE OF THE
STATE OF MISSISSIPPI
BY THE
1972 SESSION OF THE LEGISLATURE

MISSISSIPPI LEGAL FORMS
2020 Cumulative Supplement

Compiled by
Watkins & Eager PLLC
Jackson, Mississippi
Ally Windsor Howell, Esq.
and
The Editorial Staff of LexisNexis



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Chapter 1

CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS

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MISSISSIPPI LEGAL FORMS

CHAPTER 1

CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS

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ANNOTATIONS

Miss. Code Ann. § 79-11-137

Miss. Code Ann. § 79-4-2.02

J. Jackson & M. Miller, *ENCYCLOPEDIA OF MISSISSIPPI LAW*, §§ 22:8 – 22:18 (2001)

15 Am.Jur.2d *Charities* §§ 172, 177, 178

18 Am.Jur.2d *Corporations* § 33

18A Am.Jur.2d *Corporations* §§ 184, 194, 201, 203

4 Am.Jur. Legal Forms 2d *Charities* §§ 55:144, 55:145

6 Am.Jur. Legal Forms 2d *Corporations* §§ 74:804 et seq.

14 C.J.S. *Charities* § 68

§ 1-2. Bylaws — Nonprofit Corporation.

ANNOTATIONS

Miss. Code Ann. § 79-11-145

J. Jackson & M. Miller, *ENCYCLOPEDIA OF MISSISSIPPI LAW*, §§ 22:28 - 22:33 (2001)

2A Am.Jur. Legal Forms 2d *Associations and Clubs* §§ 27:55, 27:61 et seq.

18 C.J.S. *Corporations* §§ 111 et seq.

§ 1-3. Bylaws — Profit Corporation.

ANNOTATIONS

Miss. Code Ann. § 79-4-2.06

J. Jackson & M. Miller, *ENCYCLOPEDIA OF MISSISSIPPI LAW*, §§ 22:28 – 22:33 (2001)

Kate Margolis, *Binding Shareholder Bylaw Amendments: An Antidote for the Poison Pill?*, 67 Miss. L.J. 817

James L. Robertson, *The Law Of Corporate Governance: Coming Of Age In Mississippi?*, 65 Miss. L.J. 477

18A Am.Jur.2d *Corporations* §§ 310, et seq.

6 Am.Jur. Legal Forms 2d *Corporations* §§ 74:782 – 74:784, 74:941 et seq.

18 C.J.S. *Corporations* §§ 179 et seq.

Part 2. Directors and Shareholders.

§ 1-4. Minutes of Actions of Incorporator.

ANNOTATIONS

Miss. Code Ann. § 79-4-2.05

18A Am.Jur.2d *Corporations* § 217 et seq.

19 C.J.S. *Corporations* § 748

§ 1-5. Minutes of Actions of the Board of Directors (Taken Without a Meeting in Lieu of an Organizational Meeting.

ANNOTATIONS

Miss. Code Ann. § 79-4-2.02, § 79-11-143

18 Am.Jur.2d *Corporations* §§ 73 et seq.

6 Am.Jur. Legal Forms 2d *Corporations* §§ 74:121 et seq., 74:191 et seq., 74:631 et seq., 74:1224 et seq., §§ 74:1266 et seq., 74:984, 74:1001 – 74:1004, 74:1021

18A Am.Jur.2d *Corporations* §§ 184, 322, 689, 734, 931, 939

18 C.J.S. *Corporations* §§ 69 et seq.

§ 1-6. Minutes of the Board of Directors and Shareholders.

ANNOTATIONS

Miss. Code Ann. § 79-4-7.04, § 79-4-8.21

18B Am.Jur.2d *Corporations* §§ 950, 1446-1450

6 Am.Jur. Legal Forms 2d *Corporations* §§ 74:1073, 74:1077, 74:1078

19 C.J.S. *Corporations* §§ 539, 745

§ 1-7. Informal Action of the Board of Directors.

ANNOTATIONS

Miss. Code Ann. § 79-4-8.21

J. Jackson & M. Miller, *ENCYCLOPEDIA OF MISSISSIPPI LAW*, §§ 22:121 – 22:130 (2001)

18B Am.Jur.2d *Corporations* § 950, 1446-1450

6 Am.Jur. Legal Forms 2d *Corporations* §§ 74:1073; 74:1077, 74:1078

19 C.J.S. *Corporations* §§ 539, 745

§ 1-8. Informal Action of the Shareholders.

ANNOTATIONS

Miss. Code Ann. § 79-4-7.04

J. Jackson & M. Miller, *ENCYCLOPEDIA OF MISSISSIPPI LAW*, §§ 22:85 – 22:120 (2001)

18A Am.Jur.2d *Corporations* § 950

18 C.J.S. *Corporations* § 539

Part 3. Mergers and Acquisitions.

§ 1-9. Articles of Merger.

ANNOTATIONS

Miss. Code Ann. § 79-4-11.06

J. Jackson & M. Miller, *ENCYCLOPEDIA OF MISSISSIPPI LAW*, §§ 22:185 – 22:207 (2001)

19 Am.Jur.2d *Corporations* § 2620

6A Am.Jur. Legal Forms 2d *Corporations* §§ 74:1970, 74:2201, 74:2202, 74:2293 – 74:2295

19 C.J.S. *Corporations* §§ 792 et seq.

§ 1-10. Agreement and Plan of Merger.

Section 79-4-11.02, Mississippi Code of 1972, which formerly appeared as § 76-4-11.01, was amended and renumbered as Section 79-4-11.02 by Section 16 of Chapter 469, Laws of 2000. As a result the following changes and additions should be made to the Agreement and Plan of Merger.

In Article II, change the name of the Article from “Cancellation of Stock” to “Cancellation and Conversion of Stock”.

Add the following section:

Section 2.2. Conversion of Stock. Each share of FOREIGNCO shall be exchanged for ____ share(s) of the stock of SURVIVOR.

In Article III, add the following:

Section 3.1. Articles of Incorporation. [1st Alternative section]

Attached hereto and made a part hereof by reference, are true and correct copies of the Articles of Incorporation of any corporation, or the organizational documents of any other entity to be created by the merger.

Section 3.1. Articles of Incorporation. [2nd Alternative section]

Attached hereto and made a part hereof by reference, are true and correct copies of all amendments to the SURVIVOR’s Articles of Incorporation, or organizational documents.

ANNOTATIONS

Miss. Code Ann. § 79-4-11.02, § 79-11-319

J. Jackson & M. Miller, *Encyclopedia of Mississippi Law*, §§ 22:185 – 22:207 (2001)

Samuel C. Thompson, Jr., Change of Control Board: Federal Preemption of the Law Governing a Target's Directors, 70 Miss. L.J. 35

Brian C. Smith, Changing the Deal: How Omnicare v. NCS Healthcare Threatens to Fundamentally Alter the Merger Industry, 73 Miss. L.J. 983

19 Am.Jur.2d *Corporations* § 2608 et seq.

6A Am.Jur. Legal Forms 2d *Corporations* §§ 74:2191 et seq.

7A Am.Jur. Pl. & Pr. Forms (Rev.) *Corporations Forms* 401 et seq.

20 Am.Jur. Proof of Facts 2d, 609 De Facto Merger of Two Corporations

19 C.J.S. *Corporations* § 1617 et seq.

§ 1-11. Written Consent of the Shareholders and Directors.

ANNOTATIONS

Miss. Code Ann. § 79-4-7.04, § 79-4-8.21

J. Jackson & M. Miller, ENCYCLOPEDIA OF MISSISSIPPI LAW, §§ 22:85 – 22:120 (2001)

18A Am.Jur.2d *Corporations* § 950

18B Am.Jur.2d *Corporations* §§ 1446-1450

6 Am.Jur. Legal Forms 2d *Corporations* §§ 74:1073, 74:1077, 74:1078

18 C.J.S. *Corporations* § 539

19 C.J.S. *Corporations* § 745

§ 1-12. Survivor Corporation, Inc. — Resolutions of the Shareholders and Board of Directors.

ANNOTATIONS

Miss. Code Ann. § 79-4-11.04

19 Am.Jur.2d *Corporations* §§ 2612, 2617, 2618

19 C.J.S. *Corporations* § 794

§ 1-13. Letter of Intent.

ANNOTATIONS

Miss. Code Ann. § 79-4-12.02

18B Am.Jur.2d *Corporations* § 2083

19 C.J.S. *Corporations* § 798

§ 1-14. Stock Purchase Agreement.

ANNOTATIONS

Miss. Code Ann. § 79-4-6.20 through 79-4-6.28

Kate Margolis, *Binding Shareholder Bylaw Amendments: An Antidote for the Poison Pill?*, 67 Miss. L.J. 817

18A Am.Jur.2d *Corporations* § 749

19 C.J.S. *Corporations* § 804

§ 1-15. Bill of Sale.

ANNOTATIONS

67 Am.Jur.2d *Sales* § 108

77A C.J.S. *Sales* § 153

§ 1-16. Stock Exchange Agreement.

ANNOTATIONS

Section 351 of the Internal Revenue Code, 26 U.S.C. § 351.

18A Am.Jur.2d *Corporations* §§ 681-727

47A C.J.S. *Internal Revenue* § 329, § 333, § 348, § 358

§ 1-17. Asset Purchase Agreement.

ANNOTATIONS

Miss. Code Ann. § 79-4-12.02

18B Am.Jur.2d *Corporations* § 2083

19 C.J.S. *Corporations* § 798

Part 4. Changes and Dissolution.

§ 1-18. Plan of Complete Liquidation and Dissolution.

ANNOTATIONS

Miss. Code Ann. §§ 79-4-14.01 et seq.

19 Am.Jur.2d *Corporations* §§ 2733, 2920

19 C.J.S. *Corporations* §§ 811-882

Part 5. Limited Liability Companies.

§§ 1-19 through 1-22. Limited Liability Company Operating Agreement.

Note: In 2010, the Legislature passed legislation that repealed the Mississippi Limited Liability Company Act and enacted the Revised Mississippi Limited Liability Company Act, effective January 1, 2011 (Chapter 532, Laws of 2010). Both Acts were codified in Chapter 29 of Title 79.

Among other things, the Mississippi Limited Liability Company Act compiled provisions contained in sections of the former Act that set forth the things that must be in a written operating agreement to be enforceable and the provisions in the former Act that could not be varied by the LLC, and added new provisions relating to the construction and application of the operating agreement and general standards of conduct into one single new section, Section 79-29-123.

Under the former Mississippi Limited Liability Company Act

ANNOTATIONS

Miss. Code Ann. § 79-29-306 [Repealed by Section 3 of Chapter 532, Laws of 2010, effective January 1, 2011]

J. Jackson & M. Miller, *ENCYCLOPEDIA OF MISSISSIPPI LAW*, § 70:69 (2001)

James A. McCullough, II and L. Bradley Dillard, *The Mississippi Limited Liability Company: A New Choice for Mississippi*, 64 Miss. L.J. 117

Jeffrey A. Mannisto, *Mississippi Limited Liability Companies: Potential Exposure Under Federal and State Securities Laws*, 64 Miss. L.J. 173

Construction And Application Of Limited Liability Company Acts, 79 A.L.R.5th 689

59A Am.Jur.2d *Partnership* §§ 1279-1291

68 C.J.S. *Partnership* §§ 402-441

§ 1-23. Professional Limited Liability Company Operating Agreement.

Note: In 2010, the Legislature passed legislation that repealed the Mississippi Limited Liability Company Act and enacted the Revised Mississippi Limited Liability Company Act, effective January 1, 2011 (Chapter 532, Laws of 2010). Both Acts were codified in Chapter 29 of Title 79.

Under the former Mississippi Limited Liability Company Act

ANNOTATIONS

Miss. Code Ann. § 79-29-306 [Repealed by Section 3 of Chapter 532, Laws of 2010, effective January 1, 2011. See now § 79-29-123]; § 79-29-901 [Repealed

by Section 3 of Chapter 532, Laws of 2010, effective January 1, 2011. See now § 79-29-901 et seq.]

J. Jackson & M. Miller, *ENCYCLOPEDIA OF MISSISSIPPI LAW* § 49:47 (2001)

James A. McCullough, II and L. Bradley Dillard, *The Mississippi Limited Liability Company: A New Choice for Mississippi*, 64 Miss. L.J. 117

Jeffrey A. Mannisto, *Mississippi Limited Liability Companies: Potential Exposure Under Federal and State Securities Laws*, 64 Miss. L.J. 173

Construction And Application Of Limited Liability Company Acts, 79 A.L.R.5th 689

18 Am.Jur.2d *Corporations* § 1 et seq.

18 C.J.S. *Corporations* § 1 et seq.

Part 6. Secretary of State Corporate Forms.**§§ 1-24 through 1-29. Forms F0001, F0002, F0009, F0010, F0011.**

These forms can no longer be printed from the MS SOS's website to be filled out by hand. The forms are available to be filled out online on the SOS's website at <http://www.sos.ms.gov/Pages/Online-Services-Directory.aspx>, and can be submitted online or the completed forms can be printed and mailed to the SOS's office. Instructions are available at: <http://www.sos.ms.gov/BusinessServices/Documents/NewFilingSystem.pdf>.

§ 1-40.5. Application to Register or Renew Trade and Service Marks — Form 0023.

This form can be obtained from the Office of the Mississippi Secretary of State, P.O. Box 136, Jackson, MS 39205-0136. Telephone: (601)359-1633 or visit their website: <http://www.sos.ms.gov>.

11 F0023—Page 1 of 4

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE P. O. BOX 136, JACKSON, MS 39205-0136 601-359-1633

Application to Register or Renew Trade and Service Marks

Please refer to on-line instructions while completing this form.

1. Please indicate below the type of registration desired (See instructions for definitions)

☐ Trademark

☐ Original

Mississippi Registration Number

☐ Service Mark

☐ Renewal

For Renewals Only

2. Name of owner (person, corporation or other entity) applying for registration

3. Business address of applicant

Telephone (area code first)

Mailing Address

City

State

ZIP Code

Business Email Address: _____

4. Applicant is a(n)

☐ Corporation

☐ Individual

☐ Partnership

☐ Limited Partnership

☐ Limited Liability Company

☐ Limited Liability Partnership

☐ Other

State or country of owner

For Foreign Corporation, Partnership, Limited Liability Company, Limited Liability Partnership or Other

5. If partnership or other entity, list names and business addresses of general partners, owners and/or managers:

Name and address

Title

Name and address

Title

Name and address

Title

F0023—Page 2 of 4

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
P. O. BOX 136, JACKSON, MS 39205-0136
601-359-1333

Application to Register or Renew Trade and Service Marks

6. The goods or services with which the mark is used are:

7. Classification (Use two digit classification number from instructions.)
(Submit a separate application and fee for each classification requested.)

8. State how the mark is being used.

9. Date mark was first used anywhere:

MM/DD/YYYY

First used in Mississippi:

MM/DD/YYYY

10. Has the applicant (or predecessor in interest?) filed an application to register in the U. S. Patent and Trademark Office covering an area including this state?

☐ Yes

☐ No

If yes, please provide:

Serial Number

Filing

Application Status

Application Refused?

☐ Yes

☐ No

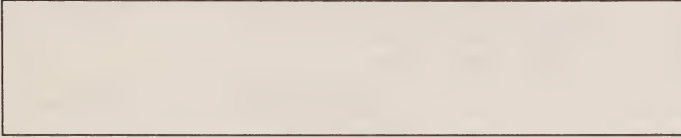
Reasons:

F0023—Page 3 of 4

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
P. O. BOX 136, JACKSON, MS 39205-0136
601-359-1333

Application to Register or Renew Trade and Service Marks

11. Describe in detail, using words, the mark as you want it registered.



12. Attach three 3 specimens or facsimiles of the mark in use.

13. Consent (if applicable). SEE INSTRUCTIONS. If another person or company currently owns this mark, give name and address of owner of existing mark and attach hereto letter of consent.

14. I, the owner of the mark, a member of the firm or an officer of the corporation or association applying, attest that the mark is in use, and that to my knowledge, no other person has registered, either Federally or in this state, or has the right to use such mark, except as provided for in item 13 above, either in the identical form or in such near resemblance thereto as to be like, when applied to the goods or services of such person to cause confusion, or cause mistake or to deceive.

Name and Title (Please print name.)Signature (Please keep writing within block.)

F0023—Page 4 of 4

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
P. O. BOX 136, JACKSON, MS 39205-0136
601-359-1333

Application to Register or Renew Trade and Service Marks

ACKNOWLEDGMENT

State of

County of

I, being first duly sworn, depose and say that I am

of

Title

Company/Applicant

the applicant herein, and that I make this affidavit and verification subject to the perjury laws on

the behalf of and have the authority to make this

Company/Applicant

affidavit and I have read the above and foregoing application and know the contents thereof, and the facts set herein are true.

I, further depose and say that the three specimens filed herein are true and correct.

Signature of Applicant

Sworn to and subscribed before me this day of ,

Notary
Seal

Notary
Signature

⇒ My commission expires

§ 1-40.6 Trade and Service Mark Assignment — Form F0024.

This form can be obtained from the Office of the Mississippi Secretary of State, P.O. Box 136, Jackson, MS 39205-0136. Telephone: (601)359-1633 or visit their website: <http://www.sos.ms.gov>.

F0024 - Page 1 of 2**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE****P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1633****Trade and Service Mark Assignment**

⇓ 1. Registration number

⇓ 2. The mark to be assigned is

⇓ 3. ASSIGNOR:
Name

⇓ Indicate if Assignor is a corporation or other entity
and the State of incorporation or organization: ☐ Incorporated State

⇓ ☐ Organized State

⇓ 4. ASSIGNEE:
Name

⇓ Indicate if Assignee is a corporation or other entity
and the State of incorporation or organization: ☐ Incorporated State

⇓ ☐ Organized State

⇓ Address

City, State, ZIP5, ZIP4

⇓ 5. All right, title and interest in and to said mark, together with the good will of business in
which the mark is used (or that part of the good will of the business connected with the use of
the mark) is hereby assigned by (the Assignor) to

⇓ (the Assignee).

F0024 - Page 2 of 2

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1633
Trade and Service Mark Assignment

By: Signature of Assignor		(Please keep writing within blocks)
Printed Name		Title
By: Signature of Assignee		(Please keep writing within blocks)
Printed Name		Title

ACKNOWLEDGMENT

⇒ State of	
⇒ County of	
⇒ Sworn to and subscribed before me this	day of ,
Notary Seal	
Notary Signature	
⇒ My commission expires	

INSTRUCTIONS: The above assignment must be signed by both the Assignor and the Assignee. If either is a corporation or other entity, the name of the corporation or entity is to be inserted as Assignor or Assignee with the signature of the proper authorities. Please enclose Filing Fee of \$50.00 made payable to the Mississippi Secretary of State and mail it to P.O. Box 136 Jackson, Mississippi 39205-0136.

§§ 1-42 through 1-49.8. Forms F0028, F0038, F0060, F0062, F0063, F0064, F0070, F0071, F0072, F0073, F0088.

These forms can no longer be printed from the MS SOS's website to be filled out by hand. The forms are available to be filled out online on the SOS's website at <http://www.sos.ms.gov/Pages/Online-Services-Directory.aspx>, and can be submitted online or the completed forms can be printed and mailed to the SOS's office. Instructions are available at: <http://www.sos.ms.gov/BusinessServices/Documents/NewFilingSystem.pdf>.

§ 1-50. Application for Registration or Renewal of Athlete Agent — Form F0091.

This form can be obtained from the Office of the Mississippi Secretary of State, P.O. Box 136, Jackson, MS 39205-0136. Telephone: (601)359-1633 or visit their website: <http://www.sos.ms.gov>.



11 F0091

DELBERT HOSEMAN
Secretary of State

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
Post Office Box 136, Jackson, MS 39205-0136
(601)359-9055

Application for Registration or Renewal of Athlete Agent

A Certificate of Registration or a renewal of a registration of an Athlete Agent is valid for two (2) years. Pursuant to Section 73-42-9 of the Miss. Code Ann. (1972), as amended, the undersigned hereby submits the following Application for Registration.

New Application ☐ Renewal ☐ Phone Number: _____

A. Name and address of applicant: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email address: _____

Website address: _____

B Name and address of the applicant's business or employer, if applicable:

C. Please state the business or occupation engaged in by the applicant for the five (5) years preceding the date of submission of the application, including the name and address of such business (es):

D. Please provide a description of the applicant's:

(a) Formal training as an athlete agent:

(b) Practical experience as an athlete agent:

(c) Educational background relating to applicant's activities as an athlete agent.

E. Please provide as references the names, addresses, and phone numbers of three (3) individuals not related to the applicant:

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

F. Please provide the name, sport, and last known team for each individual for whom the applicant provided services as an athlete agent during the five (5) years preceding the date of submission of the application.

Name and sport: _____

Last known team: _____

Name and sport: _____

Last known team: _____

Name and sport: _____

Last known team: _____

(If additional space is needed, please attach a list to this application.)

G. (a) If the Athlete Agent's business is a corporation or LLC, please provide names and addresses for all officers, directors, and any shareholders or members of the corporation or LLC with a 5% or greater interest:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

(If additional space is needed, please attach a list to this application.)

G. (b) If the athlete agent's business is NOT a corporation or LLC, please produce names and addresses of all partners, individuals, associates, officers:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

(If additional space is needed, please attach a list to this application.)

H. Has the applicant or any other person named pursuant to paragraph G above ever been convicted of a crime that, if committed in this state, would be a felony or other crime involving moral turpitude? A crime (misdemeanor or felony) involving moral turpitude is one in which deceit is an element of the crime.

Yes ☐ No ☐

If yes, please state the name of that individual and identify the crime.

Name: _____

Identity of the crime: _____

I. Has there ever been any administrative or judicial determination that applicant or any other person named in paragraph G made a false or misleading, deceptive, or fraudulent representation?

Yes ☐ No ☐

If yes, explain:

J. Has the conduct of applicant or any other person named in paragraph G resulted in the imposition of sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on a student athlete or on an educational institution?

Yes ☐ No ☐

If yes, explain:

K. Have sanctions, suspension or disciplinary action ever been taken against the applicant or any other person named pursuant to paragraph G arising out of occupational or professional conduct?

Yes ☐ No ☐

If yes, explain:

L. Has there ever been a denial, refusal to renew, suspension, revocation, or cancellation of a registration, licensure or certification of the applicant/registrant or any other person named in

paragraph G as an Athlete Agent by any state, or sanction, suspension, or other disciplinary action imposed by any occupational or professional association?

Yes ☐ No ☐

M. Is there any pending litigation against the applicant in regard to the applicant's capacity as an Athlete Agent? Include administrative actions by state administrative bodies, judicial civil actions, and actions by professional and occupational organizations (i.e., NFLPA disciplinary actions).

Yes ☐ No ☐

If yes, please provide the name of the case, case number, jurisdiction, and brief explanation of the facts.

N. Please list all of the states in which the applicant is currently licensed or registered as an Athlete Agent and provide a copy of each state's license, registration, or certification as applicable.

O. By signing this application, the applicant consents to submit to a criminal background check before being issued a Certificate of Registration. A background check will be conducted at the discretion of the Mississippi Secretary of State on an as needed basis to verify information disclosed or withheld on this application. The applicant further agrees that the applicant will pay any fees connected with said background check, if requested by the SOS, prior to the issuance of the Certificate of Registration.

P. The applicant acknowledges that all registered Athlete Agents in the State of Mississippi must notify the Secretary of State within 30 days whenever the information contained in this application changes in a material way, becomes inaccurate or incomplete in any respect. Such events requiring notice shall include, but are not limited to, the following:

- a) Change in address of the Athlete Agent's principal place of business;
- b) conviction of a felony or other crime involving moral turpitude by the Athlete Agent;
- c) denial, suspension, refusal to renew, or revocation of a registration, license, or
- d) certification of the Athlete Agent as an Athlete Agent in any state; any sanction,
- e) suspension, or other disciplinary action taken against the Athlete Agent arising out of occupational or professional conduct.

The applicant understands and acknowledges that failure to accurately report the information requested in this application may subject the applicant to criminal and civil penalties under Section 73-42-1 et seq., of the Miss Code Ann.

I _____ have read this Application for Registration or
(NAME)

Renewal of an Athlete Agent and the instructions and understand agree to all the terms and conditions therein. I further swear or affirm that the information provided in this application is true and correct as of the date submitted to the best of my knowledge.

By: Signature of
Applicant: _____

Printed name: _____ Title: _____

Acknowledgement

State: _____

County: _____

I, _____ (notary public), do hereby certify that on the
_____ day of _____ 20____, who being by me first duly sworn, personally
appeared before me declared that the statements herein contained are true and correct.

My Commission Expires:

Notary Public

Make Check for \$200.00 payable to the MISSISSIPPI SECRETARY OF STATE. Mail completed form with payment to SECRETARY OF STATE, PO BOX 136, JACKSON, MS 39205-0136. For assistance contact a customer service representative at (601) 359-9055 or visit our website at www.sos.ms.gov for forms and instructions.

§§ 1-51 through 1-88. Forms F0100, F0103, F0109, F0122, F0200, F0209, F0300, F0700, F0701, F0703, F0704, F0705, F0710, F0711, F0712, F0720, F0721, F0722, F0730.

These forms can no longer be printed from the MS SOS's website to be filled out by hand. The forms are available to be filled out online on the SOS's website at <http://www.sos.ms.gov/Pages/Online-Services-Directory.aspx>, and can be submitted online or the completed forms can be printed and mailed to the SOS's office. Instructions are available at: <http://www.sos.ms.gov/BusinessServices/Documents/NewFilingSystem.pdf>.

§§ 1-89. through 1-94. Reserved.

§ 1-95. Polygraph Examiners Registration — Form P001.

This form can be obtained from the Office of the Mississippi Secretary of State, P.O. Box 136, Jackson, MS 39205-0136. Telephone: (601)359-1633 or visit their website: <http://www.sos.ms.gov>.

P001 **OFFICE OF THE MISSISSIPPI SECRETARY OF STATE**
P.O. BOX 136, JACKSON, MS 39205-0136
PHONE 601-359-1633 FAX 601-359-1499

Polygraph Examiners Registration

Pursuant to Section 73-29-35 Miss Code Ann. (1972) as amended

Name:

Address:

City State Zip

Phone:

MS Polygraph license no. (If applicable)

Licensed in the following states:

§ 1-96. Business Documents Filing Fees.

This document can be found on Mississippi Secretary of State's website, here: <http://www.sos.ms.gov/BusinessServices/Documents/FeeSchedule.pdf>.

Mississippi Business Corporations Documents Filing Fees

<u>Form Name</u>	<u>Filing Fee</u>
F0001 Articles of Incorporation	\$50
F0008 Annual Report	\$25
F0010 Registered Agent/Office Statement of Change—Profit Corporation	\$10
F0011 Articles of Correction	\$50
F0012 Articles of Amendment	\$50
F0013 Articles of Merger or Share Exchange—Profit Corporation	\$50
F0014 Articles of Dissolution, Profit Corporation	\$25
F0016 Reservation of Name	\$25
F0018 Transfer of Reserved Name	\$25
F0019 Articles of Revocation of Dissolution—Profit Corporation	\$25
F0022 Application for Reinstatement Following Administrative Dissolution	\$50 – Domestic
F0122 Registered Agent Change of Address	\$10/company
F0038 Statement of Resignation of Registered Agent	\$0

Mississippi Non-Profit Corporations

<u>Form Name</u>	<u>Filing Fee</u>
F0001 Articles of Incorporation	\$50
F0011 Articles of Correction	\$50
F0012 Articles of Amendment	\$50
F0018 Transfer of Reserved Name	\$25
F0020 Articles of Revocation of Dissolution—Nonprofit Corporation	\$25
F0010 Registered Agent/Office Statement of Change—Nonprofit Corporation	\$10
F0026 Articles of Merger—Nonprofit Corporation	\$50

F0028	Articles of Dissolution–Nonprofit Corporation	\$25
F0038	Statement of Resignation of Registered Agent	\$0
F0009	Application for Appointment of a Registered Agent	\$25
F0122	Registered Agent Change of Address	\$10/company
F0088	Nonprofit Status Report	\$25

Foreign Corporations(All)

<u>Form Name</u>	<u>Filing Fee</u>
F0002	Application for Certificate of Authority
	\$100 Nonprofit
	\$500 Profit
F0008	Annual Report
F0010	Registered Agent/Office Statement of Change
	\$10
F0011	Articles of Correction
	\$50
F0015	Application of Certificate of Withdrawal
	\$25
F0017	Application for Reservation of Corporate Name–Foreign Corporations
	\$50
F0018	Transfer of Reserved Name
	\$25
F0022	Application for Reinstatement Following Administrative
	Dissolution/Revocation
	\$100 – Foreign
F0030	Application for Amended Certificate of Authority
	\$50
F0038	Statement of Resignation of Registered Agent
	\$0
F0122	Registered Agent Change of Address
	\$10/company
F0088	Nonprofit Status Report
	\$25

F0110	Foreign LLC Application for Name Reservation	\$25
F0208	Foreign LLC Annual Report	\$250
F0209	Foreign LLC Reinstatement	\$100

Mississippi General Partnerships

<u>Form Name</u>	<u>Filing Fee</u>
FS0700 Statement of Partnership Authority	\$25
FS0701 Amendment to Partnership Authority	\$25
FS0703 Statement of Denial for Partnership Authority	\$25
FS0704 Statement of Dissociation for Partnership Authority	\$25
FS0705 Statement of Dissolution for Partnership Authority	\$25
FS0730 Statement of Merger	\$25

Mississippi Limited Partnerships(LP)

<u>Form Name</u>	<u>Filing Fee</u>
F0004 Certificate of MS Limited Partnerships	\$50
F0016 Reservation of Name	\$25
F0018 Transfer of Reserved Name	\$25
F0010 Change of Registered Agent	\$10
F0038 Resignation of Registered Agent	\$0
F0035 MS Limited Partnership Certificate of Amendment	\$50
F0122 Registered Agent Change of Address	\$10/company
F0036 MS Limited Partnership Certificate of Dissolutions or Cancellation	\$25
FS0730 Statement of Merger	\$25

Mississippi Limited Liability Partnerships(LLP)

<u>Form Name</u>	<u>Filing Fee</u>
FS0710 Statement of Qualification for Domestic LLP	\$250

FSO711 Amendment to Qualification for Domestic LLP	\$50
F0010 Change of Registered Agent	\$10
FSO712 Statement of Cancellation for Domestic LLP	\$25
F0038 Resignation of Registered Agent	\$0
FSO730 Statement of Merger	\$25
F0122 Registered Agent Change of Address	\$10/company

Foreign Limited Partnerships(LP)

<u>Form Name</u>	<u>Filing Fee</u>
F0300 Application for Registration of Foreign Limited partnership	\$250
F0301 Certificate of Correction/Amendment of Foreign Limited Partnership	\$50
F0303 Certificate of Cancellation of Foreign Limited Partnership	\$25
F0009 Application for Appointment of Registered Age	\$25
F0038 Resignation of Registered Agent	\$0
F0730 Statement of Merger	\$25
F0010 Change of Registered Agent	\$10
F0018 Transfer of Reserved Name	\$25
F0122 Registered Agent Change of Address	\$10/company

Foreign Limited Liability Partnerships(LLP)

<u>Form Name</u>	<u>Filing Fee</u>
FSO720 Statement of Qualification for Foreign LLP	\$250
F0009 Application for Appointment of Registered Agent	\$25
FSO721 Amendment to Qualification for Foreign LLP	\$50
F0010 Change of Registered Agent	\$10
FSO722 Statement of Cancellation for Foreign LLP	\$25
F0038 Resignation of Registered Agent	\$0

FSO730	Statement of Merger	\$25
F0122	Registered Agent Change of Address	\$10/company

Foreign Business Trusts

<u>Form Name</u>	<u>Filing Fee</u>
F0060 Application for Foreign Business Trust	\$250
F0009 Application for Appointment of Registered Agent	\$25
F0062 Registered Agent/Office Statement of Change	\$25
F0038 Resignation of Registered Agent	\$0
F0063 Certificate of Correction (Amendment) to Foreign Business Trust	\$50
F0010 Change of Registered Agent	\$10
F0064 Application for Certificate of Withdrawal	\$25
F0122 Registered Agent Change of Address	\$10/company

Trade Names

	<u>Form Name</u>	<u>Filing Fee</u>
F0070	Fictitious Business Name Registration	\$25
F0071	Fictitious Business Name Amendment	\$25
F0072	Withdrawal of Fictitious Business Name	\$25
F0073	Fictitious Business Name Assignment	\$25

Chapter 2

DEBT-FINANCING CONTRACTS AND INSTRUMENTS

- § 2-1. Security and Pledge Agreement.
- § 2-2. Security Agreement (Consumer Goods — Equipment — Farm Equipment — Motor Vehicles except when Inventory).
- § 2-3. Deed of Trust.
- § 2-4. Pledge and Security Agreement.
- §§ 2-5 - 2-9. UCC Forms UCC1, UCC1F, UCC3, UCC3F, UCC 11.
- § 2-10. Miscellaneous UCC Information — UCC-E.
- § 2-11. Mississippi County Codes.
- § 2-12. Mississippi Farm Product Collateral Codes.

§ 2-1. Security and Pledge Agreement.

ANNOTATIONS

Miss. Code Ann. §§ 75-9-101, et seq.

W. Rodney Clement, Jr., Enforcing Security Interests In Personal Property In Mississippi, 67 Miss. L.J. 44

68A Am.Jur.2d *Secured Transactions* § 1 et seq.

79 C.J.S. *Secured Transactions* § 1 et seq.

§ 2-2. Security Agreement (Consumer Goods – Equipment – Farm Equipment – Motor Vehicles except when Inventory).

ANNOTATIONS

Miss. Code Ann. §§ 75-9-101, et seq.

W. Rodney Clement, Jr., Enforcing Security Interests In Personal Property In Mississippi, 67 Miss. L.J. 44

Secured Transactions: Right Of Secured Party To Take Possession Of Collateral On Default Under UCC § 9-503, 25 A.L.R.5th 696

68A Am.Jur.2d *Secured Transactions* § 1 et seq.

79 C.J.S. *Secured Transactions* § 1 et seq.

§ 2-3. Deed of Trust.

ANNOTATIONS

Miss. Code Ann. § 89-1-51, § 89-1-53, § 89-1-55, § 89-1-57, § 89-1-59, § 89-1-63

J. Jackson & M. Miller, ENCYCLOPEDIA OF MISSISSIPPI LAW, § 51:1, et seq. (2001)

Construction And Application Of Real Estate Settlement Procedures Act Of 1974, 142 A.L.R. Fed. 511

54A Am.Jur.2d *Mortgages* §§ 146-162

59 C.J.S. *Mortgages* §§ 5, 6

§ 2-4. Pledge and Security Agreement.

ANNOTATIONS

Miss. Code Ann. § 75-8-103

J. Jackson & M. Miller, *ENCYCLOPEDIA OF MISSISSIPPI LAW*, 22:81 (2001)

18 Am.Jur.2d *Corporations* §§ 447 et seq.

18 C.J.S. *Corporations* §§ 287-292

§§ 2-5 through 2-9. UCC Forms UCC1, UCC1F, UCC3, UCC3F, UCC 11.

These UCC forms can no longer be printed from the MS SOS's website to be filled out by hand. The forms are available to be filled out online on the SOS's website at www.sos.ms.gov/BusinessServices/Pages/UCC.aspx, and can be submitted online or the completed forms can be printed and mailed to the SOS's office. Instructions are available at: <http://www.sos.ms.gov/BusinessServices/Pages/default.aspx>.

§ 2-10. Miscellaneous UCC Information — UCC-E.

ANNOTATIONS

Miss. Code Ann. §§ 75-9-401, et seq.

Sufficiency of description of collateral in financing statement under UCC §§ 9-110 and 9-402, 100 A.L.R.3d 10

Sufficiency of description of collateral in financing statement under UCC §§ 9-110 and 9-203, 100 A.L.R.3d 940

68A Am.Jur.2d *Secured Transactions* §§ 288-509

79 C.J.S. *Secured Transactions* §§ 50-80, 128, 134-143

§ 2-11. Mississippi County Codes.

This form can be obtained from the Office of the Mississippi Secretary of State, P.O. Box 136, Jackson, MS 39205-0136. Telephone: (601)359-1633 or visit their website: <http://www.sos.ms.gov>.

MISSISSIPPI COUNTY (#)
(UCC and Central Filing System Codes)

01 Adams	15 Copiah	29 Itawamba	43 Lincoln	57 Pike	71 Tishomingo
02 Alcorn	16 Covington	30 Jackson	44 Lowndes	58 Pontotoc	72 Tunica
03 Amite	17 Desoto	31 Jasper	45 Madison	59 Prentiss	73 Union
04 Attala	18 Forrest	32 Jefferson	46 Marion	60 Quitman	74 Walthall
05 Benton	19 Franklin	33 Jefferson Davis	47 Marshall	61 Rankin	75 Warren
06 Bolivar	20 George	34 Jones	48 Monroe	62 Scott	76 Washington
07 Calhoun	21 Greene	35 Kemper	49 Montgomery	63 Sharkey	77 Wayne
08 Carroll	22 Grenada	36 Lafayette	50 Neshoba	64 Simpson	78 Webster
09 Chickasaw	23 Hancock	37 Lamar	51 Newton	65 Smith	79 Wilkinson
10 Choctaw	24 Harrison	38 Lauderdale	52 Noxubee	66 Stone	80 Winston
11 Claiborne	25 Hinds	39 Lawrence	53 Oktibbeha	67 Sunflower	81 Yalobusha
12 Clarke	26 Holmes	40 Leake	54 Panola	68 Tallahatchie	82 Yazoo
13 Clay	27 Humphreys	41 Lee	55 Pearl River	69 Tate	88 Unknown
14 Coahoma	28 Issaquena	42 Leflore	56 Perry	70 Tippah	99 Out of State

§ 2-12. Mississippi Farm Product Collateral Codes.

This form can be obtained from the Office of the Mississippi Secretary of State, P.O. Box 136, Jackson, MS 39205-0136. Telephone: (601)359-1633 or visit their website: <http://www.sos.ms.gov>.

MISSISSIPPI FARM PRODUCT COLLATERAL CODES							
COLLATERAL CODES. If the collateral is not listed below, please enter the collateral name. The code will be assigned by the filing office.							
101	Apples	126	Corn	151	Mint	176	Rye
102	Apricots	127	Corn, Sweet	152	Mushrooms	177	Sorghum
103	Artichokes	128	Cotton	153	Mustards	178	Soybeans
104	Asparagus	129	Cucumbers	154	Nectarines	179	Spinach
105	Avocados	130	Dates	155	Nutmeg	180	Sugar Beets
106	Bananas	131	Eggplant	156	Oats	181	Sugar Cane
107	Barley	132	Escarole	157	Olives	182	Sunflower
108	Beans, Butter	133	Figs	158	Onions	183	Sweet Potato
109	Beans, Dry	134	Flaxseed	159	Oranges	184	Tangelos
110	Beans, Lima	135	Garlic	160	Papayas	185	Tangerines
111	Beans, Snap	136	Grapes (& Raisins)	161	Peaches	186	Taro
112	Beans, Waxed	137	Grapefruit	162	Peanuts	187	Tea
113	Beets	138	Hay	163	Pears	188	Tobacco
114	Berries, Black	139	Hops	164	Peas, Dry	189	Tomatoes
115	Berries, Blue	140	Irish Potatoes	165	Peas, Field	190	Trees
116	Berries, Straw	141	Kiwi	166	Peas, Green	191	Turnips
117	Broccoli	142	Legumes	167	Pecans	192	Walnuts
118	Brussel Sprouts	143	Lemons	168	Peppers	193	Wheat
119	Cabbage	144	Lettuce	169	Persimmons	194	Muscadine
120	Carrots	145	Limes	170	Pineapple	195	Pumpkins
121	Cauliflower	146	Maple Syrup	171	Plums (& Prunes)	196	Squash
122	Celery	147	Melon, Cantaloupes	172	Pomegranates	197	Corn Silage
123	Cherries	148	Melon, Honey Dew	173	Popcorn	198	Alfalfa
124	Coffee	149	Melons, Water	174	Rape Seed	199	Okra
125	Collards	150	Milo	175	Rice		
LIVESTOCK							
201	Cattle/calves	207	Goats	213	Quail	219	Parrots-Birds
202	Catfish/Fish	208	Guineas	214	Turkeys	220	Turtles
203	Chickens	209	Hogs	215	Earthworms	221	Emu
204	Ducks	210	Horses	216	Shellfish	222	Ostrich
205	Eggs Hatching	211	Lambs & Sheep	217	Honey Bees	223	Rhea
206	Geese	212	Mules	218	Rabbits-Hares		
OTHER							
301	Cheese	305	Honey	309	Wool	313	Kenaf
302	Eggs	306	Milk	310	(Reserved)		
303	Flowers	307	Mohair	311	Cotton Seed		
304	Grass	308	Shrubbery	312	Pelts & Products		

Chapter 3

FAMILY LAW

- § 3-1. Joint Petition for Divorce — Irreconcilable Differences.
- § 3-2. Financial Disclosure.
- § 3-4. Child Custody, Support and Property Settlement Agreement.
- § 3-5. Agreed Final Judgment of Divorce — Irreconcilable Differences.

§ 3-1. Joint Petition for Divorce — Irreconcilable Differences.

ANNOTATIONS

Miss. Code Ann. § 93-5-2

27A C.J.S. *Divorce* § 66

Family Law at the Turn of the Century, 71 Miss. L.J. 781, Spring 2002

§ 3-2. Financial Disclosure.

EXHIBIT "A"

IN THE CHANCERY COURT OF _____ COUNTY
STATE OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NUMBER

DEFENDANT

I. GENERAL INFORMATION

NAME: _____

ADDRESS: _____

CITY, STATE AND ZIP CODE: _____

DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: _____

OCCUPATION: _____

EMPLOYER: _____

EMPLOYER'S ADDRESS: _____

	NAME	DATE OF BIRTH
MINOR CHILDREN:	_____	_____
	_____	_____
	_____	_____
	_____	_____

II. INCOME STATEMENT

GROSS MONTHLY INCOME

1. Salary and Wages, including commissions
bonuses, allowance and overtime 1. _____

NOTE: To arrive at a monthly income figure,
if paid weekly, multiply weekly income
by 4.3; if paid bi-weekly, multiply
bi-weekly income by 2.16

2. Pensions and retirement 2. _____
3. Social Security 3. _____
4. Disability and unemployment insurance 4. _____
5. Public assistance (welfare, AFDC payments, etc.) 5. _____
6. Dividends and interest 6. _____
7. Rental Income 7. _____
8. Other income _____ 8. _____
9. Other income _____ 9. _____
10. TOTAL MONTHLY INCOME 10. _____

ITEMIZED MONTHLY DEDUCTIONS:

1. State Income Taxes 1. _____

2. Federal Income Taxes 2. _____
3. Social Security 3. _____
4. Mandatory Insurance 4. _____
5. Mandatory Retirement 5. _____
6. Union or other dues 6. _____
7. Other: (Specify) _____ 7. _____
8. Other: (Specify) _____ 8. _____
9. TOTAL MONTHLY DEDUCTIONS 9. _____
10. NUMBER OF EXEMPTIONS: _____
11. NET MONTHLY PAY 11. _____

III. EXPENSE STATEMENT

A. LIVING EXPENSES	AS OF _____		AS OF _____	
	Self	Children	Self	Children
1. Rent/Mortgage (Residence)				
2. Real Property Taxes				
3. Real Property Insurance				
4. Maintenance (Residence)				
5. Food/Household Supplies				
6. Water, Sewer, etc.				
7. Electricity				
8. Gas (Residence)				
9. Telephone				
10. Laundry & Cleaning				
11. Clothing				
12. Insurance (Not payroll deducted)				
13. Medical				
14. Dental				
15. Child Care				

16. Children's Allowance				
17. Payment of child support/alimony (Prior Marriage)				
18. School Expenses				
19. Entertainment				
20. Incidentals & Miscellaneous				
21. Transportation other than vehicle				
22. Gasoline & Oil (auto)				
23. Repair (auto)				
24. Insurance (auto)				
25. Auto payments				
26. Church donations				

III. EXPENSE STATEMENT

	Self	Children	Self	Children
27. Charitable donations				
28. Newspaper/Magazines				
29. Cable TV				
30. Pet Expenses				
31. Yard Expenses				
32. Maid				
33. Retirement (IRA, etc.)				
34. Pest Control				
B. TOTAL LIVING EXPENSES				
35. Installment Payments Notes, loans, charge accounts, etc.				
36.				
37.				
38.				
39. OTHER EXPENSES				
40.				
41.				
TOTAL INSTALLMENT PAYMENTS:				
COMBINED TOTAL EXPENSES:				

IV. STATEMENT OF ASSETS

A. Real Estate

1. Title in the name of : _____
 Address: _____
 Who paid cost: _____
 How cost paid: _____
 Value (estimate) _____
 Mortgage Balance _____
 Equity _____
2. Title in the name of : _____
 Address: _____
 Who paid cost: _____
 How cost paid: _____
 Value (estimate) _____
 Mortgage Balance _____
 Equity _____

Note: List mortgage balance also under liabilities on the next page. List the amount of your monthly payment only under "V. LIABILITIES."

B. Motor Vehicles

1. Registered in the name of: _____
 Year: _____ Model: _____ Mileage: _____
 How cost paid: _____ How cost paid: _____
 VALUE
 - Loan Balance _____
 =Equity _____
2. Registered in the name of: _____

Year: _____ Model: _____ Mileage: _____

How cost paid: _____ How cost paid: _____

VALUE

- Loan Balance _____

=Equity _____

IV. STATEMENT OF ASSETS (Continued)

3. Registered in the name of: _____
Year: _____ Model: _____ Mileage: _____
How cost paid: _____ How cost paid: _____

VALUE

- Loan Balance _____
=Equity _____

C. Other Personal Property (such as home computers, guns, lawnmowers, TVs, jewelry, household furnishings, etc.)

VALUES

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL	_____

D. Checking/Savings (name of Bank, Account Number and Amount in Account, including CDs, money markets, passbook accounts, etc.)

Name(s) on Account	Bank/Account Number	Type Account	Balance
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL VALUE			_____

E. Other Investments (IRAs, stock(s), mutual funds, pension plans, etc.)

Bank/Account Number	Type Investment	Balance
_____	_____	_____

F. Life Insurance (exclude children)

Insured	Company	Face Amount	Cash	Beneficiary
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTAL CASH VALUE (less loans)			_____	

G. All Other Assets

_____	_____
_____	_____
_____	_____
TOTAL VALUE	
TOTAL OF ALL ASSETS	\$ _____

V. STATEMENT OF LIABILITIES

(Include mortgage, car loan, credit cards, personal loans)

Note: Also include under items 35-44 on Exhibit "A"

A. Creditor	Party Responsible for Payment	Current Balance	Monthly Payment	Who Makes Payments
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____

B. TOTAL LIABILITIES _____

ACKNOWLEDGMENT OF TRUTHFULNESS

I declare to the Court that the foregoing Exhibit "A," including attachments, is true and correct and that this declaration was executed on the _____ day of _____, 20____,

Party's Signature

IN THE CHANCERY COURT OF _____ COUNTY
STATE OF MISSISSIPPI

PLAINTIFF

CIVIL ACTION NUMBER

DEFENDANT

CERTIFICATE OF COMPLIANCE

I, (name of party or attorney), do hereby certify that I have this date complied with Rule 8.05 of the Uniform Chancery Court Rules and that I have mailed and/or delivered a copy of a detailed written statement of actual income and expenses and assets and liabilities to the attorney for the opposing party or the opposing party.

SO CERTIFIED on this the _____ day of _____, 20____.

Attorney for Opposing Party

EXHIBIT "B"

IN THE CHANCERY COURT
OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

PLAINTIFF
VS
CAUSE NO. _____

DEFENDANT

RULE 8.05 FINANCIAL STATEMENT

I, *(full legal name)* _____, certify that the following information is true:

SECTION I. GENERAL INFORMATION

1. Date of Birth: _____
2. Physical Address:

3. Mailing Address:

4. A. Minor Children (below the age of 21) or a full-time student above the age of 21:

Name	Date of Birth	Child Support Order in effect? (Yes or No)	Amount of Monthly Child Support Order Payment
------	---------------	--	---

B. Adult Children being supported by you

Name	Date of Birth	Child Support Order in effect? (Yes or No)	Amount of Monthly Child Support Order Payment

5. Are you subject to and/or a party in any litigation or other court proceedings? (Bankruptcy, Class Action, Worker’s Compensation, Personal Injury, etc.) If yes, please provide the style of the action including cause number and a brief description of the nature thereof.
- _____
- _____

SECTION II. INCOME

1. My occupation is: _____
2. I am currently: ☒ all that apply]

_____ a. **Unemployed**

1. Describe your efforts to find employment, how soon you expect to be employed, and the pay you expect to receive: _____
- _____
- _____
- _____

2. Provide a statement of your employment history and earnings from the inception of the marriage, or from the date of divorce, (whichever is applicable) on a separate sheet paper and attach it to this form.

Label the attachment "Employment History".

- ____ b. **Employed by:** _____
1. Address: _____
2. City, State, Zip Code: _____
3. Telephone Number: _____
4. My position is: _____
5. Pay rate: \$ _____ () every week () every other week () twice a month () monthly

____ Check here if you currently have more than one job. List the information above for the second job(s) on a separate sheet and attach it to this statement.

____ Check here if you are self-employed, own an interest in a business or farm, receive income from rental property, or if you report income or expenses on Schedule C, Schedule E, or Schedule F of your tax return.

Complete Exhibit 1 attached hereto.

____ Check here if you are expecting to become unemployed or change jobs soon, describe the change you expect and why and how it will affect your income:

- ____ c. **Retired.** Date of retirement: _____
1. Employer from whom retired: _____
2. Address: _____
3. City, State, Zip Code: _____ Telephone Number: _____
4. Are you receiving retirement pay or benefits from this employer? ____ yes ____ no

_____ d. Is there any information which you think would be helpful for the Court to know about your employment? (If so, give comments here). _____

LAST YEAR'S GROSS INCOME FROM TAX RETURN:

	Your Income	Other Party's Income (if known)
Year _____	\$ _____	\$ _____

LAST YEAR'S ADJUSTED GROSS INCOME FROM TAX RETURN:

	Your Income	Other Party's Income (if known)
Year _____	\$ _____	\$ _____

LAST YEAR'S TAX REFUND FROM TAX RETURN:

	Federal Refund	State Refund
Year _____	\$ _____	\$ _____

OUTSTANDING TAX LIABILITIES FROM TAX RETURN:

	Federal	State
Year _____	\$ _____	\$ _____

Does the IRS or the State of Mississippi currently have a tax lien on any items of

property? _____

If yes, please state the total amount of the tax lien and the items encumbered.

PRESENT MONTHLY GROSS INCOME:

All amounts must be MONTHLY. Attach more paper, if needed. Items included under "other" should be listed separately with separate dollar amounts.

If you are paid on a schedule which is not monthly, you must convert those amounts. Conversion are as follows:

1. Paid Weekly, multiply by 4.33
2. Paid bi-weekly, multiply by 2.16
3. Paid on the 1st and 15th, or on 15th and 30th/31st, multiply by 2
4. Paid annually divide by 12

- | | |
|---|-------------|
| 1. Monthly gross salary or wages | 1. \$ _____ |
| 2. Bonuses, commissions, allowances, overtime, tips, and similar payments | 2. _____ |
| 3. Average monthly business income for previous 6 months from sources such as self-employment, partnerships, close corporations, and/or independent contracts (Gross receipts minus ordinary and necessary expenses required to produce income.)
(● Attach sheet itemizing such income and expenses) | 3. _____ |
| 4. Monthly disability benefits | 4. _____ |
| 5. Monthly Workers' Compensation | 5. _____ |
| 6. Monthly Unemployment Compensation | 6. _____ |
| 7. Monthly pension, retirement, or annuity payments | 7. _____ |
| 8. Monthly Social Security benefits | 8. _____ |
| 9. Monthly alimony actually received | |
| 9a. From this case: \$ _____ | |
| 9b. From other case(s) _____ Add 9a and 9b | 9. _____ |
| 10. Monthly interest and dividends | 10. _____ |
| 11. Monthly rental income (gross receipts minus ordinary and necessary expenses required to produce income)
(● Attach sheet itemizing each item and amount) | 11. _____ |
| 12. Monthly income from royalties, trusts, and estates | 12. _____ |

13. Monthly reimbursed expenses and in-kind payments to the extent that they reduce personal living expenses such as cars, travel, gas, phone, etc.
(●Attach sheet itemizing each item and amount) 13. _____
14. Monthly income from property such as CRP payments or subsidies 14. _____
15. Public Assistance (Welfare, AFDC Payments, CHIPS, Etc.) 15. _____
16. Severance Pay 16. _____
17. Monthly Investment Income 17. _____
18. Other: _____ 18. _____
19. Other: _____ 19. _____
20. Other: _____ 20. _____
21. **PRESENT MONTHLY GROSS INCOME** (Add lines 1-20) **TOTAL:** 21. _____

PRESENT MONTHLY DEDUCTIONS:**All amounts must be MONTHLY.**

If you have deductions which are not deducted on a monthly basis, you must convert those amounts. Conversion are as follows:

1. Paid Weekly, multiply by 4.33
2. Paid bi-weekly, multiply by 2.16
3. Paid on the 1st and 15th, or on 15th and 30th/31st, multiply by 2

22. Present Monthly Federal Income Tax. 22. _____
- a. Anticipated Filing Status for the Present Year: _____
(e.g. single, head of household, married filing separate, etc)
- b. Filing Status Last Year: _____
- c. Anticipated Number of Dependents claimed for Present Year: _____
- d. Number of Dependents claimed Last Year: _____
- e. Number of Exemptions claimed for the Present Year: _____
- f. Number of Exemptions claimed Last Year: _____
23. Present Monthly State Income Tax 23. _____
- a. Anticipated Filing Status for the Present Year: _____
(e.g. single, head of household, married filing separate, etc.)
- b. Filing Status Last Year: _____
- c. Anticipated Number of Dependents claimed for Present Year: _____
- d. Number of Dependents claimed Last Year: _____
- e. Number of Exemptions claimed for the Present Year: _____
- f. Number of Exemptions claimed Last Year: _____
24. Monthly FICA or self-employment taxes 24. _____
25. Monthly Medicare payment 25. _____
26. Monthly mandatory union dues 26. _____
27. Monthly mandatory retirement payments 27. _____
28. Monthly court-ordered child support actually paid for children from another relationship 28. _____
29. Monthly court-ordered alimony actually paid
- 28a. From this case: \$ _____
- 28b. From other case(s): _____ Add 28a and 28b 29. _____
30. Other Mandatory Monthly Deductions. 30. _____

31. **TOTAL MONTHLY DEDUCTIONS:** (Add lines 22 through 29) 31. _____
32. **PRESENT NET MONTHLY INCOME** (Total Gross Income minus
Total Monthly Deductions) 32. _____

SECTION III. MONTHLY EXPENSES

All amounts must be MONTHLY.

For any expenses which are not paid monthly, you must convert those amounts. Conversion are as follows:

1. Paid Weekly, multiply by 4.33
2. Paid bi-weekly, multiply by 2.16
3. Paid on the 1st and 15th, or on 15th and 30th/31st, multiply by 2
4. Paid annually divide by 12

A. <u>HOUSEHOLD:</u>	PRE-SEPARATION	CURRENT:	PROPOSED/ ESTIMATE EXPENSES:
1. Monthly mortgage or rent payments	1. _____	1. _____	1. _____
2. Monthly property taxes (if not included in mortgage)	2. _____	2. _____	2. _____
3. Monthly insurance on residence (if not included in mortgage)	3. _____	3. _____	3. _____
4. Monthly homeowners' association fees	4. _____	4. _____	4. _____
5. Monthly electricity	5. _____	5. _____	5. _____
6. Monthly water, garbage, and sewer	6. _____	6. _____	6. _____
7. Monthly telephone	7. _____	7. _____	7. _____
a. Land line			
b. Cell phone			
8. Monthly residence gas	8. _____	8. _____	8. _____
9. Monthly repairs and maintenance	9. _____	9. _____	9. _____
10. Monthly lawn care	10. _____	10. _____	10. _____

11.	Monthly pest control	11. _____	11. _____	11. _____
12.	Monthly misc. household supplies	12. _____	12. _____	12. _____
13.	Monthly food	13. _____	13. _____	13. _____
14.	Monthly meals outside home	14. _____	14. _____	14. _____
15.	Monthly cable t.v.	15. _____	15. _____	15. _____
16.	Monthly internet service	16. _____	16. _____	16. _____
17.	Monthly alarm service contract	17. _____	17. _____	17. _____
18.	Monthly service contracts on appliances	18. _____	18. _____	18. _____
19.	Monthly maid service	19. _____	19. _____	19. _____
20.	Monthly dry cleaning and laundry	20. _____	20. _____	20. _____
21.	Monthly clothing	21. _____	21. _____	21. _____
22.	Monthly medical, dental, and prescription (only those not covered by insurance or otherwise reimbursed)	22. _____	22. _____	22. _____
23.	Monthly psychiatric, psychological, or counselor (only those not covered by insurance or otherwise reimbursed)	23. _____	23. _____	23. _____
24.	Monthly nonprescription medications, cosmetics, toiletries, and sundries	24. _____	24. _____	24. _____
25.	Monthly grooming	25. _____	25. _____	25. _____
26.	Monthly gifts	26. _____	26. _____	26. _____
27.	Monthly pet expenses	27. _____	27. _____	27. _____
28.	Monthly club dues and membership	28. _____	28. _____	28. _____
29.	Monthly sports and hobbies	29. _____	29. _____	29. _____
30.	Monthly entertainment	30. _____	30. _____	30. _____
31.	Monthly tolls and parking	31. _____	31. _____	31. _____
32.	Monthly periodicals/newspapers/ magazines/books/tapes/CDs	32. _____	32. _____	32. _____
33.	Monthly vacations	33. _____	33. _____	33. _____
34.	Monthly education expenses	34. _____	34. _____	34. _____
35.	SUBTOTAL	35. _____	35. _____	35. _____

B. VEHICLES AND BOATS

36.	Monthly gasoline and oil	36. _____	36. _____	36. _____
-----	--------------------------	-----------	-----------	-----------

37.	Monthly repairs	37. _____	37. _____	37. _____
38.	Monthly tags	38. _____	38. _____	38. _____
39.	Monthly insurance for each vehicle	39. _____	39. _____	39. _____
	a. _____			
	b. _____			
	c. _____			
40.	Monthly payments (lease or financing)	40. _____	40. _____	40. _____
41.	Monthly alternative transportation (bus, rail, car pool, etc.)	41. _____	41. _____	41. _____
42.	Monthly tolls and parking	42. _____	42. _____	42. _____
43.	Other: _____	43. _____	43. _____	43. _____
44.	SUBTOTAL	44. _____	44. _____	44. _____

C. MONTHLY EXPENSES FOR CHILDREN

(In addition to the amount please indicate with "M" or "F" if the expense is normally paid by Mother or Father.)

45.	Monthly nursery, babysitting, or day care	45. _____	45. _____	45. _____
46.	Monthly school tuition	46. _____	46. _____	46. _____
47.	Monthly school supplies, books, fees and field trips	47. _____	47. _____	47. _____
48.	Monthly after school activities (School sponsored: Math, Drama, etc.)	48. _____	48. _____	48. _____
49.	Monthly lunch money	49. _____	49. _____	49. _____
50.	Monthly private lessons or tutoring (music, dance, tennis, etc.)	50. _____	50. _____	50. _____
51.	Monthly allowances (spending money, gas money, etc.)	51. _____	51. _____	51. _____
52.	Monthly clothing and uniforms	52. _____	52. _____	52. _____
53.	Monthly entertainment (movies, parties, etc.)	53. _____	53. _____	53. _____
54.	Monthly medical dental, prescriptions (nonreimbursed only)	54. _____	54. _____	54. _____
55.	Monthly psychiatric/psychological/counselor	55. _____	55. _____	55. _____
56.	Monthly orthodontic	56. _____	56. _____	56. _____
57.	Monthly beauty parlor/barber shop	57. _____	57. _____	57. _____
58.	Monthly nonprescription medication	58. _____	58. _____	58. _____
59.	Monthly cosmetics, toiletries, and sundries	59. _____	59. _____	59. _____
60.	Monthly gifts from child(ren) to others (other children, relatives, teachers, etc.)	60. _____	60. _____	60. _____
61.	Monthly cost of annual gifts to children (Christmas, Birthday, etc.)	61. _____	61. _____	61. _____
62.	Monthly camp or summer activities	62. _____	62. _____	62. _____
63.	Monthly clubs (4-H, Girl Scouts/Boy Scouts, etc.)	63. _____	63. _____	63. _____
64.	Monthly travel expenses for visitation with minor children	64. _____	64. _____	64. _____
65.	Other: _____	65. _____	65. _____	65. _____
66.	Other: _____	66. _____	66. _____	66. _____

67. SUBTOTAL 67. _____ 67. _____ 67. _____

**D. MONTHLY EXPENSES FOR CHILD(REN)
FROM ANOTHER RELATIONSHIP:**

(other than court-ordered child support)

68. _____ 68. _____ 68. _____ 68. _____

69. _____ 69. _____ 69. _____ 69. _____

70. _____ 70. _____ 70. _____ 70. _____

71. SUBTOTAL 71. _____ 71. _____ 71. _____

E. MONTHLY INSURANCE:

72. Health/ Medical Insurance 72. _____ 72. _____ 72. _____

a. Insured Premium \$ _____

b. Insured plus spouse Premium \$ _____

c. Family Premium \$ _____

73. Monthly Life Insurance Premiums 73. _____ 73. _____ 73. _____

74. Dental Insurance 74. _____ 74. _____ 74. _____

a. Insured Premium \$ _____

b. Insured plus Spouse Premium \$ _____

c. Family Premium \$ _____

75. Disability Insurance Premiums 75. _____ 75. _____ 75. _____

76. Optical Insurance Premiums 76. _____ 76. _____ 76. _____

77. Other: _____ 77. _____ 77. _____ 77. _____

78. SUBTOTAL 78. _____ 78. _____ 78. _____

**F. OTHER MONTHLY EXPENSES NOT
LISTED ABOVE:**

79. Other: _____ 79. _____ 79. _____ 79. _____

80. Other: _____ 80. _____ 80. _____ 80. _____

81. Other: _____ 81. _____ 81. _____ 81. _____

82. Other: _____ 82. _____ 82. _____ 82. _____

83. SUBTOTAL 83. _____ 83. _____ 83. _____

84. **TOTAL MONTHLY EXPENSES:** 84. _____ 84. _____ 84. _____
 (Add all expense Subtotals plus the monthly payments due on any liabilities that are listed in Section V., A. Liabilities, that you have not listed in 1-84)

SUMMARY:

85. **TOTAL PRESENT MONTHLY NET INCOME**
 (from line 32 of SECTION I. INCOME) 85. \$ _____ 85. \$ _____ 85. \$ _____
86. **TOTAL MONTHLY EXPENSES** (from line 84 above) 86. \$ _____ 86. \$ _____ 86. \$ _____
87. **SURPLUS** (If line 85 is more than line 86, subtract line 86 from line 85. This is the amount of your surplus. Enter that amount here.) 87. \$ _____ 87. \$ _____ 87. \$ _____
88. **(DEFICIT)** (If line 86 is more than line 85, subtract line 85 from line 86. This is the amount of your deficit. Enter that amount here.) 88. (\$ _____) 88. (\$ _____) 88. (\$ _____)

SECTION IV. ASSETS

A. REAL ESTATE The value of the real estate may be an estimate or a recent appraisal. If values are acquired from an appraisal, attach to this 8.05 Financial Statement Affidavit a copy of the appraisal. Attach additional sheets if necessary.

1. Address/Description: _____
 Primary Use (Example: primary residence, rental property, etc.): _____
 Date Acquired: _____
 Original Cost: \$ _____
 County Assessed Value (County Tax Appraisal): \$ _____
 Current Fair Market Value: \$ _____
 Appraisal _____ yes _____ no

Appraisal Attached? ☐ yes ☐ no

Estimate: ☐ yes ☐ no

Mortgage Balance: \$ _____

Equity (Fair Market Value minus Mortgage Balance) \$ _____

Titled in the Name of: _____

Comments: _____

2. Address/Description: _____

Primary Use (Example: primary residence, rental property, etc.): _____

Date Acquired: _____

Original Cost: \$ _____

County Assessed Value (County Tax Appraisal) \$ _____

Current Fair Market Value: \$ _____

Appraisal ☐ yes ☐ no

Appraisal Attached? ☐ yes ☐ no

Estimate: ☐ yes ☐ no

Mortgage Balance: \$ _____

Equity (Fair Market Value minus Mortgage Balance) \$ _____

Titled in the Name of: _____

Comments: _____

3. Address/Description: _____

Primary Use (Example: primary residence, rental property, etc.): _____

Date Acquired: _____

Original Cost: \$ _____

County Assessed Value (County Tax Appraisal) \$ _____

Current Fair Market Value: \$ _____

Appraisal ☐ yes ☐ no

Appraisal Attached? ☐ yes ☐ no

Estimate: ☐ yes ☐ no

Mortgage Balance: \$ _____

Equity (Fair Market Value minus Mortgage Balance) \$ _____

Titled in the Name of: _____

Comments: _____

TOTAL EQUITY: _____

B. MODULAR/ MOBILE HOMES.

1. Where is the Modular/ Mobile Home located? _____
 Primary Use (Example: primary residence, rental property, etc.): _____
 Registered in the name of: _____
 Year: Model: _____
 Value: \$ _____
 Loan Balance: \$ _____
 Equity: \$ _____
 Comments: _____

C. MOTOR VEHICLES (Cars, Trucks, RV's, Boats, Tractors, 4-Wheelers, Motorcycles, etc.) The appropriate value for motor vehicles is the NADA value or a value from a similar source such as Kelly's Blue Book (www.kbb.com) or Edmond's Blue Book (www.edmonds.com). If values are acquired from these or similar sources, attach to this 8.05 Financial Statement Affidavit a copy of the printout of the assessment. Attach additional sheets if necessary.

1. Registered in the name of: _____
 Year: Model: Mileage: _____
 How Cost Paid: _____
 Value: \$ _____
 Loan Balance: \$ _____
 Equity: \$ _____
 Printout Attached? _____ Yes _____ No
2. Registered in the name of: _____
 Year: Model: Mileage: _____
 How Cost Paid: _____
 Value: \$ _____
 Loan Balance: \$ _____
 Equity: \$ _____
 Printout Attached? _____ Yes _____ No
3. Registered in the name of: _____
 Year: Model: Mileage: _____
 How Cost Paid: _____
 Value: \$ _____

Loan Balance: \$ _____
Equity: \$ _____
Printout Attached? _____ Yes _____ No

4. Registered in the name of: _____
Year: Model: Mileage: _____
How Cost Paid: _____
Value: \$ _____
Loan Balance: \$ _____
Equity: \$ _____
Printout Attached? _____ Yes _____ No

TOTAL EQUITY: _____

D. **OTHER PERSONAL PROPERTY** The value of personal property should be the fair market value. Fair market value is the price at which the item could be sold to a willing buyer, under no compulsion to buy. When valuing an item consider the present condition (wear and tear, etc.) Examples of fair market value may be obtained from flea markets, garage sales, pawn shops, etc. **Fair market value is not the replacement value or purchase price.** Attach additional sheets if necessary.

ITEM	VALUE
Furniture and Household Furnishings	
Tools	
Collectibles (art, coins, dolls, cars, etc.)	
Crystal, Silver, China, Gold	
Jewelry	
Sporting Equipment (guns, skis, golf clubs, etc.)	
Entertainment Equipment (televisions, stereo, pool table, etc.)	
Electronics (computers, digital cameras, printers, etc.)	
Lawn equipment	
Musical Instruments	
Other:	
Other:	

TOTAL VALUE	\$ _____
-------------	----------

E. **FINANCIAL ACCOUNTS:** List all checking accounts, savings accounts, money market accounts, passbook accounts, credit union accounts, etc. in which you have an interest.

NAME(S) ON ACCOUNT	FINANCIAL INSTITUTION OR BANK NAME	TYPE OF ACCOUNT	LAST FOUR(4) DIGITS ON THE ACCOUNT	BALANCE 90 DAYS PRIOR TO DATE OF COMPLAINT FILED	CURRENT BALANCE AS OF _ / _ / _
TOTAL CHECKING/ SAVINGS					\$ _____

F. **OTHER INVESTMENTS** List all IRAs, stocks, CD's, mutual funds, pension plans, bonds, 401(k), PERS, Deferred Compensation, etc.

NAME(S) ON INVESTMENT	NAME OF FINANCIAL INSTITUTION, BROKERAGE FIRM, ETC.	TYPE OF INVESTMENT	LAST FOUR (4) DIGITS ON THE ACCOUNT	BALANCE 90 DAYS PRIOR TO DATE OF COMPLAINT FILED	CURRENT BALANCE AS OF _ / _ / _

TOTAL OTHER INVESTMENTS	\$ _____
-------------------------	----------

G. CASH/CASH EQUIVALENTS AND OTHER ITEMS OF VALUE

	AMOUNT
Money in your possession (on hand)	
Money in banks, deposit boxes, etc. not listed above	
Money in personal or business safes, lock boxes, etc.	
Money being held for you by a third person or entity	
Other Cash:	
Other Cash:	
TOTAL CASH	\$ _____

H. LIFE INSURANCE

PERSON INSURED	OWNER OF POLICY	COMPANY	COVERAGE AMOUNT	LOANS	CASH VALUE	LAST FOUR (4) DIGITS OF POLICY	BENEFICIARY
	TOTAL CASH VALUE				\$		

I. FUTURE ASSETS If you have the right to receive assets or income in the future, such as accrued vacation, sick leave, bonus, income from a trust(s), etc. you must list them here.

FUTURE ASSETS	Possible Value
TOTAL FUTURE ASSETS	\$ _____

J. ALL OTHER ASSETS (You are required to list all assets of value in which you have an interest, that you have not listed elsewhere on this form)

DESCRIPTION OF ASSET	VALUE
Notes (Money owed to you in writing)	
Loans (Money owed to you not evidenced by a writing)	
Business Interest	
Patents, Copyrights, etc.	
Oil and Gas Interests	
Country Club and other Membership Interests (Hunting Clubs, etc.)	
Timber Rights	
Gold, Precious Metals	
Other:	
Other:	
TOTAL OTHER ASSETS	\$ _____

SUMMARY

TOTAL ASSETS: \$ _____

(ADD Total from previous Sections A through J).

SECTION V. LIABILITIES

A. **LIABILITIES** List all creditors including creditors of your spouse. Include all mortgage(s), car loans, credit cards, personal loans, medical providers, credit union loans, judgments, charge accounts, etc.

	CREDITOR	LAST FOUR (4) DIGITS OF ACCOUNT	PURPOSE/ REASON FOR DEBT	WHOSE NAME IS LISTED ON THE DEBT	CURRENT BALANCE DUE	MONTHLY PAYMENT DUE	WHO PAYS
1							
2							
3							
4							
5							
6							
7							
8							
9							
TOTAL LIABILITIES					\$ _____	\$ _____	

B. **CONTINGENT LIABILITIES** If you have any future liabilities such as tax payments, judgments, pending lawsuits, etc. you must list them here.

DESCRIPTION OF CONTINGENT LIABILITIES	Contingent Amount Owed

DESCRIPTION OF CONTINGENT LIABILITIES	Contingent Amount Owed
TOTAL CONTINGENT LIABILITIES	\$ _____

SUMMARY**TOTAL LIABILITIES:** \$ _____

(ADD Total from previous Sections A through B).

SECTION VI. SEPARATE PROPERTY and SEPARATE LIABILITIES

Please list any assets including real estate, modular/mobile homes, motor vehicles, personal property, financial accounts, other investments, cash/cash equivalents and other items of value, life insurance, future assets and all other assets which you believe are separate property and should not be divided or equitably distributed in a divorce proceeding and explain your reasons in the comments section.

Separate Asset	Comments:

Please list any liabilities including credit cards, judgments, tax liabilities, etc which you believe should not be divided or equitably distributed in a divorce proceeding and explain your reasons in

the comments section.

Separate Liability	Comments:

ACKNOWLEDGMENT OF TRUTHFULNESS

I declare to the Court that the foregoing Exhibit "B" including attachments, is true and correct and that this declaration was executed on the _____ day of _____, 20____.

Party's Signature

CERTIFICATE OF COMPLIANCE

I, _____, do hereby certify that I have this date complied with Rule 8.05 of the Uniform Chancery Court Rules, and that I have mailed and/or delivered a copy of a detailed written statement of actual income and expenses and assets and liabilities to the attorney for the opposing party or the opposing party.

SO CERTIFIED, this _____ day of _____, 20____.

Exhibit 1

If you are self-employed, own an interest in a business or farm, receive income from rental property, or report income or expenses on Schedule C, Schedule E, or Schedule F of your tax return, please complete the following. Use additional pages if necessary.

1. Please describe the business activity: _____
2. Do you actively work in the business? YES or NO (circle appropriate response).
If yes, please indicate the average number of hours worked per week: _____ hours.
3. Does the business provide a vehicle for your personal use? YES or NO (circle appropriate response). If yes, please provide a description of the vehicle: _____

4. Does the business provide a vehicle for the use of any members of your immediate family? YES or NO (circle appropriate response). If yes, please provide a description of each vehicle and indicate the family member that drives the vehicle: _____

5. Do any members of your immediate family work in the business? YES or NO (circle appropriate response).
If yes, please list each family member, the duties of their position, number of hours worked per week, and the rate of pay.

Name	Duties/ Job Description	Hours Worked Per Week	Pay Per Week

6. Does the business pay any expenses on your behalf or on behalf of your immediate family? YES or NO (circle the appropriate response). If yes, please describe each expense and provide the cost of the expense.

(Examples: Credit Cards, Utilities, Auto Repairs, Fuel, Insurance, Cell Phone, School Tuition, Oil Changes, Medical Expenses, Pet Expenses, Meals, etc.)

Description of the Expense	Amount of Expense Paid by the Business

7. Does the business provide you with anything of value or a tax benefit or any “perks”?
YES or NO (circle appropriate response). If yes, please describe each item of value, each tax benefit and every “perk” and provide the cost or monetary value of the same. (Examples: Hunting Leases, Country Club (dues, stock or expenses), Sporting Event Tickets, Vacations, etc.)

Description of item of value, tax benefit or “perk”	Cost or Monetary Value

8. Does the business own any assets that are not necessary for its operation?
YES or NO (circle appropriate response)
If yes, please describe the asset.
(Example: Land or Art held for investment, boats, condominiums, vehicles, etc.)

8.05 FINANCIAL DECLARATION DOCUMENT PRODUCTION REQUEST

You, _____ (name of party) must produce to _____ (name of opposing party or his/her attorney) within 30 days, the documents checked below if you have them in your possession or control, or if you can secure copies upon reasonable request.

- _____ 1. Copies of your past three (3) year's Federal and State Income Tax returns, in full form as filed.
- _____ 2. A copy of your most recent Social Security Earnings Statement or a completed Form SSA-7050-F4.
- _____ 3. Your most recent pay check stub.
- _____ 4. Your most recent W-2's.
- _____ 5. All 1099's received by you in the past year.
- _____ 6. All K-1's received by you in the past year.
- _____ 7. Copies of the past three (3) year's Federal and State Tax Income Tax returns, in full form as filed, for any partnership, limited liability company, corporation or limited partnership in which you own or have an interest
- _____ 8. Copies of your checking and saving account statements for the past twelve (12) months.
- _____ 9. Copies of your investment and brokerage account statements for the past twelve (12) months.
- _____ 10. Copies of your Certificates of Deposit, Bonds, or Stock.
- _____ 11. Copies of your IRA, 401(K), SEP, PERS, Pension, Deferred Compensation and any other retirement account for the past twelve (12) months.

- _____ 12. Copies of the declaration sheet for all life insurance policies owned by you or on which you have been a beneficiary for the past twelve (12) months.

- _____ 13. Copies of all credit card statements on which you have made charges for the past six (6) months.

- _____ 14. Copies of all loans, mortgages, promissory notes, or other documents showing debts owned by you, or debts owed to you by others.

- _____ 15. Copies of all deeds to real property.

- _____ 16. Copies of all certificates of title. (Example: Boats, Vehicles, Campers, etc.)

- _____ 17. Copies of all appraisals.

- _____ 18. Copies of all documents referenced or used to complete the 8.05 Financial Statement Form.

Requested by () mail () fax or () hand delivery on this the _____ day of _____, 20__.

(Signature, address and telephone number of requesting party or his/her attorney)

8.05 FINANCIAL DECLARATION DOCUMENT PRODUCTION RESPONSE

Pursuant to the 8.05 Financial Declaration Document Production Request form dated _____ and requested by _____ (name of opposing party or his/her attorney) I, _____ (name of party or attorney) certify that I have produced the following documents (check all that are produced). For those not produced, I certify that I do not have copies in my possession or control, nor are copies available to me upon reasonable request. If I have failed to produce documents for any other reason, those reasons are set forth below and correspond to each numbered request; and I certify that those reasons are true and correct.

- _____ 1. Copies of my past three (3) year's Federal and State Income Tax returns, in full form as filed.
- _____ 2. A copy of your most recent Social Security Earnings Statement or a completed Form SSA-7050-F4.
- _____ 3. My most recent pay check stub.
- _____ 4. My most recent W-2's.
- _____ 5. All 1099's received by me in the past year.
- _____ 6. All K-1's received by me in the past year.
- _____ 7. Copies of the past three (3) year's Federal and State Tax Income Tax returns, in full form as filed, for any partnership, limited liability company, corporation or limited partnership in which I own or have an interest
- _____ 8. Copies of my checking and saving account statements for the past twelve (12) months.
- _____ 9. Copies of my investment and brokerage account statements for the past twelve (12) months.
- _____ 10. Copies of my Certificates of Deposit, Bonds, or Stock.

- _____ 11. Copies of my IRA, 401(K), SEP, PERS, Pension, Deferred Compensation and any other retirement account for the past twelve (12) months.
- _____ 12. Copies of the declaration sheet for all life insurance policies owned by me or on which I have been a beneficiary for the past twelve (12) months.
- _____ 13. Copies of all credit card statements on which I have made charges for the past six (6) months.
- _____ 14. Copies of all loans, mortgages, promissory notes, or other documents showing debts owned by me, or debts owed to me by others.
- _____ 15. Copies of all deeds to real property.
- _____ 16. Copies of all certificates of title. (Example: Boats, Vehicles, Campers, etc.)
- _____ 17. Copies of all appraisals.
- _____ 18. Copies of all documents referenced or used to complete the 8.05 Financial Statement Form.

Reason(s) for failure to produce documents requested in _____ (insert request number): _____

Reason(s) for failure to produce documents requested in _____ (insert request number): _____

So CERTIFIED and PRODUCED by () mail, () fax, or () hand delivered to: _____
(other party or his/her attorney including full

name, address and fax number) on this the ____ day of _____, 20__.

(Signature, address and telephone number of producing party
or his/her attorney)

ANNOTATIONS

FRCP 26

§ 3-4. Child Custody, Support and Property Settlement Agreement.

NOTE: In Section III of the form, a child support sum is called for. The Child Support Guidelines are set forth in Miss. Code Ann. §§ 43-19-101 and 43-19-103, and call for the following calculations:

$(\text{Gross Income} - \text{Deductions to Income}) \times (\text{Number of Children Percentage})$

The “Gross Income” number is the parent’s annual gross income from all potential sources that may reasonably be expected to be available to the absent parent including, but not limited to, the following: wages and salary income; income from self employment; income from commissions; income from investments, including dividends, interest income and income on any trust account or property; absent parent’s portion of any joint income of both parents; workers’ compensation, disability, unemployment, annuity and retirement benefits, including an individual retirement account (IRA); any other payments made by any person, private entity, federal or state government or any unit of local government; alimony; any income earned from an interest in or from inherited property; any other form of earned income; and gross income shall exclude any monetary benefits derived from a second household, such as income of the absent parent’s current spouse [Miss. Code Ann. § 43-19-101(3)(a)].

The “Deductions to Income” number is made up of the annual total of:

(i) federal, state and local taxes (contributions to the payment of taxes over and beyond the actual liability for the taxable year is not considered a mandatory deduction);

(ii) social security contributions;

(iii) retirement and disability contributions, except any voluntary retirement and disability contributions [Miss. Code Ann. § 43-19-101(3)(b)].

In addition, if the absent parent is subject to an existing court order for another child or children, subtract the amount of that court-ordered support [Miss. Code Ann. § 43-19-101(3)(c)]; and, if the absent parent is also the parent of another child or other children residing with him or her, then the court may subtract an amount that it deems appropriate to account for the needs of said child or children [Miss. Code Ann. § 43-19-101(3)(d)].

Once the deductions are taken, the annual income figure is divided by 12 to reach an adjusted monthly income figure [Miss. Code Ann. § 43-19-101(3)(e)]. Then, the appropriate percentage of that adjusted income figure, based on the number of children, determines the base amount:

One child, 14% (that is, multiply the adjusted monthly income figure by .14);

Two children, 20% (multiply the adjusted monthly income figure by .20);

Three children, 22% (multiply the adjusted monthly income figure by .22);

Four children, 24% (multiply the adjusted monthly income figure by .24);

Five or more children, 26% (multiply the adjusted monthly income figure by .26) [Miss. Code Ann. § 43-19-101(1)].

Counsel should note that the formula creates only a rebuttable presumption of a proper award, and that the presumption may be overcome by a specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case as determined according to the following criteria [Miss. Code Ann. § 43-19-103]:

- (a) Extraordinary medical, psychological, educational or dental expenses.
- (b) Independent income of the child.
- (c) The payment of both child support and spousal support to the obligee.
- (d) Seasonal variations in one or both parents' incomes or expenses.
- (e) The age of the child, taking into account the greater needs of older children.
- (f) Special needs that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the proposed guidelines.
- (g) The particular shared parental arrangement, such as where the noncustodial parent spends a great deal of time with the children thereby reducing the financial expenditures incurred by the custodial parent, or the refusal of the noncustodial parent to become involved in the activities of the child, or giving due consideration to the custodial parent's homemaking services.
- (h) Total available assets of the obligee, obligor and the child.
- (i) Payment by the obligee of child care expenses in order that the obligee may seek or retain employment, or because of the disability of the obligee.
- (j) Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt.

All orders involving support of minor children, as a matter of law, shall include reasonable medical support. The following shall be entered as findings on the record or in the court's judgment:

- (a) The availability to all parties of health insurance coverage for the child(ren); and
- (b) The cost of health insurance coverage to all parties.

The court shall then make appropriate provisions in the judgment for the provision of health insurance coverage for the child(ren) in the manner that is in the best interests of the child(ren). If the court requires the custodial parent to obtain the coverage then its cost shall be taken into account in establishing the child support award. If the court determines that health insurance coverage is not available to any party or that it is not available to either party at a cost that is reasonable as compared to the income of the parties, then the court shall make specific findings as to such either on the record or in the judgment. In that event, the court shall make appropriate provisions in the judgment for the payment of medical expenses of the child(ren) in the absence of health insurance coverage.

ANNOTATIONS

Jeffrey M. Williams, Mississippi's Child Support Guidelines: Need, Process and Review, 70 Miss. L.J. 1065

Right To Credit On Child Support For Contributions To Housing Costs, Utility Bills, And Other Alleged Household Necessities Made For Child's Benefit While Child Is Not Living With Obligor Parent, 123 A.L.R.5th 565

Basis For Imputing Income For Purpose Of Determining Child Support Where Obligor Spouse Is Voluntarily Unemployed Or Underemployed, 76 A.L.R.5th 191

Consideration Of Obligor's Personal-Injury Recovery Or Settlement In Fixing Alimony Or Child Support, 59 A.L.R.5th 489

Application Of Child-Support Guidelines To Cases Of Joint-, Split-, Or Similar Shared-Custody Arrangements, 57 A.L.R.5th 389

Right To Credit On Child Support Payments For Social Security Or Other Government Dependency Payments Made For Benefit Of Child, 34 A.L.R.5th 447

Consideration Of Obligated Spouse's Earnings From Overtime Or "Second Job" Held In Addition To Regular Full-Time Employment In Fixing Alimony Or Child Support Awards, 17 A.L.R.5th 143

State Court's Authority, In Marital Or Child Custody Proceeding, To Allocate Federal Income Tax Dependency Exemption For Child To Noncustodial Parent Under § 152(e) of the Internal Revenue Code, 77 A.L.R.4th 786

§ 3-5. Agreed Final Judgment of Divorce — Irreconcilable Differences.

ANNOTATIONS

Miss. Code Ann. § 93-5-2

Chapter 4

GENERAL LITIGATION

Part 1. Miscellaneous Litigation Forms.

- § 4-2. Conditional Assumption of Defense and Indemnification Letter.
- § 4-3. Subpoena Duces Tecum.
- § 4-4. Motion to Quash Subpoena.
- § 4-5. Notice of Hearing.
- § 4-6. Motion to Partially Quash Subpoena Duces Tecum and for Protective Order.
- § 4-7. Protective Order.
- § 4-8. Authorization for Release of Records.
- § 4-9. Notice of Deposition.
- § 4-10. Defendants' Notice of 30(b)(6) Deposition.
- § 4-11. Expert Designations in Federal Court.
- § 4-11A. Motion to Dismiss Seller in Stream of Commerce from Product Liability Action.
- § 4-12. Full, Complete, and Final Settlement Release.
- § 4-13. Confidential Full, Final and Complete Release.
- § 4-14. Agreed Order of Dismissal with Prejudice.
- § 4-15. Petition for Approval of Third Party Settlement and Settlement of Workers' Compensation Claim.
- § 4-16. Order Approving Third Party Settlement and Settlement of Workers' Compensation Claim.
- § 4-17. Petition for Authority to Compromise Claim of Minor for Less Than \$10,000.00.

Part 2. Mississippi Rules Of Civil Procedure Forms.

- § 4-19. Summons and Proof of Service — Rules of Civil Procedure Form 1A.
- § 4-20. Summons and Sheriff's Return — Rules of Civil Procedure Form 1AA.
- § 4-21. Notice and Acknowledgement for Service by Mail — Rules of Civil Procedure Form 1B.
- § 4-22. Summons by Publication — Rules of Civil Procedure Form 1C.
- § 4-23. Rule 81 Summons (Sheriff or Process Server) — Rules of Civil Procedure Form 1D.
- § 4-24. Rule 81 Summons (Summons by Publication) — Rules of Civil Procedure Form 1DD.
- § 4-25. Waiver of Process — Rules of Civil Procedure Form 1E.
- § 4-26. Complaint on a Promissory Note — Rules of Civil Procedure Form 2.
- § 4-27. Complaint on Covenant or Agreement — Rules of Civil Procedure Form 3.
- § 4-28. Complaint for Specific Performance — Rules of Civil Procedure Form 4.
- § 4-29. Complaint on an Open Account — Rules of Civil Procedure Form 5.
- § 4-30. Complaint on Account Stated — Rules of Civil Procedure Form 6.
- § 4-31. Complaint for Goods Sold and Delivered — Rules of Civil Procedure Form 7.
- § 4-32. Complaint for Work and Labor Done — Rules of Civil Procedure Form 8.
- § 4-33. Complaint for Money Lent — Rules of Civil Procedure Form 9.
- § 4-34. Complaint for Money Paid by Mistake — Rules of Civil Procedure Form 10.
- § 4-35. Complaint for Money Had and Received — Rules of Civil Procedure Form 11.
- § 4-36. Complaint for Money Paid by Plaintiff for Defendant — Rules of Civil Procedure Form 12.
- § 4-37. Complaint on a Policy of Life Insurance — Rules of Civil Procedure Form 13.
- § 4-38. Complaint on a Policy of Fire Insurance — Rules of Civil Procedure Form 14.
- § 4-39. Complaint for Negligence or Wantonness — Rules of Civil Procedure Form 15.
- § 4-40. Complaint Assault and Battery — Rules of Civil Procedure Form 16.
- § 4-41. Complaint for False Imprisonment — Rules of Civil Procedure Form 17.

MISSISSIPPI LEGAL FORMS

- § 4-42. Complaint for Malicious Prosecution — Rules of Civil Procedure Form 18.
- § 4-43. Complaint for Fraud — Rules of Civil Procedure Form 19.
- § 4-44. Complaint on a Warrant — Rules of Civil Procedure Form 20.
- § 4-45. Complaint for Conversion — Rules of Civil Procedure Form 21.
- § 4-46. Motion to Dismiss Pursuant to Rule 12(b) — Rules of Civil Procedure Form 22.
- § 4-47. Answer Presenting Defenses Under Rule 12(b) — Rules of Civil Procedure Form 23.
- § 4-48. Motion to Bring in Third-Party Defendant — Rules of Civil Procedure Form 24.
- § 4-49. Third-Party Complaint — Rules of Civil Procedure Form 25.
- § 4-50. Motion to Intervene as a Defendant Under Rule 24 — Rules of Civil Procedure Form 26.
- § 4-51. Motion to Drop Defendant or for Severance of Claims — Rules of Civil Procedure Form 27.
- § 4-52. Motion by Defendant for Severance of Claims of Several Plaintiffs — Rules of Civil Procedure Form 28.
- § 4-53. Motion by Plaintiff to Add Defendant — Rules of Civil Procedure Form 29.
- § 4-54. Motion by Defendant to Bring in Additional Defendant — Rules of Civil Procedure Form 30.
- § 4-55. Motion by Defendant to Add Additional Plaintiff — Rules of Civil Procedure Form 31.
- § 4-56. Answer to Complaint Set Forth in Form 11 with Counter-Claim for Interpleader — Rules of Civil Procedure Form 32.
- § 4-57. Plaintiff's Motion for Substitution — Deceased Party Defendant — Rules of Civil Procedure Form 33.
- § 4-58. Pre-Trial Order — Rules of Civil Procedure Form 34.
- § 4-59. Motion for Judgment Notwithstanding the Verdict, or in the Alternative, for New Trial — Rules of Civil Procedure Form 35.
- § 4-60. Application to Clerk for Entry of Default and Supporting Affidavit — Rules of Civil Procedure Form 36.
- § 4-61. Docket for Entry of Default — Rules of Civil Procedure Form 37.
- § 4-62. Default Judgment Entered by Court — Rules of Civil Procedure Form 38.

Part 3. Mississippi Rules of Appellate Procedure Forms.

- § 4-63. Notice of Appeal — Rules of Appellate Procedure Form 1.
- § 4-64. Designation of the Record — Rules of Appellate Procedure Form 2.
- § 4-65. Certificate of Compliance with Rule 11(b)(1) — Rules of Appellate Procedure Form 3.
- § 4-66. Affidavit to Accompany Motion for Leave to Appeal in Forma Pauperis — Rules of Appellate Procedure Form 4.
- § 4-67. Appeal Bond to Supreme Court of Mississippi with Supersedeas — Rules of Appellate Procedure Form 5.
- § 4-68. List of Clerk's Papers — Rules of Appellate Procedure Form 6.

Part 3A. Administrative Procedures for Mississippi Electronic Courts.

- § 4-68.1. Certificate of Service – Form 1.
- § 4-68.2. Notice of Conventional Filing – Form 2.
- § 4-68.3. Declaration of Technical Difficulties – Form 3.

Part 4. United States District Court Forms.

- § 4-68A. Case Management Order - U.S. District Court Form 1.
- § 4-69. Notice of Receipt of Original Deposition.
- § 4-70. Notice of Service of Interrogatories or Requests for Production of Documents or Responses Thereto — U.S. District Court Form 2(b).

GENERAL LITIGATION

- § 4-71. Notice of Service of Pre-trial Discovery Disclosure Information — U.S. District Court Form 2(c).
- § 4-71A. Notice of Endorsement — U.S. District Court Form 2(d).
- § 4-71B. Certificate of Service — U.S. District Court Form 2(e).
- § 4-71C. Notice of Conventional Filing — U.S. District Court Form 2(f).
- § 4-72. Pre-Trial Order — U.S. District Court Form 3.
- § 4-73. Good Faith Certificate — U.S. District Court — U.S. District Court Form 4.
- § 4-75. Application For Admission *Pro Hac Vice* — Form 6.
- § 4-75.5. Report of Mediation — Form 7.
- § 4-76. Notice, Consent, and Reference of a Civil Action to a Magistrate Judge (AO85) — Form 7.
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Part 5. Admiralty and Maritime Forms

- § 4-77. Order Directing Issuance of the Process of Attachment and Garnishment, Rule B(3)(a) — Form 1.
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- § 4-79. Order for Issuance of Process of Maritime Attachment and Arrest, FRCP Rule C(2)(a) — Form 3.
- § 4-80. Warrant for Arrest In Rem, L.A.R. C2(a) — Form 4.
- § 4-81. Notice of Arrest of Vessel and Notice for Claims — Form 5.
- § 4-82. Motion for Publication of Notice of Attachment, rule C(4) — Form 6.
- § 4-83. Order for Publication of Arrest, FRCP Supplemental Rule C(4) — Form 7.
- § 4-84. Notice to clerk of Publication of Notice of arrest in Newspaper of General Circulation, Rule C(4) — Form 8.
- § 4-85. Letter of Undertaking — Form 9.
- § 4-86. Claim of Owner, FRCP Supplemental Rule C(6) — Form 10.
- § 4-87. Claim to Cargo – Ex MV Vessel FRCP Supplemental C(6) — Form 11.
- § 4-88. Stipulation for Value, FRCP Supplemental Rule E(5) — Form 12.
- § 4-89. Bond Agreement – Substitution of Security for Attachment of Vessel, FRCP Supplemental E(5) — Form 13.
- § 4-90. Order Fixing Bond and Directing that Attachment (Process In Rem) Be Dissolved Upon Filing of Such Bond, FRCP Supplemental E(5) — Form 14.
- § 4-91. Motion for Release of a Vessel or Property in Accordance with FRCP Supplemental Rule E(5) — Form 15.
- § 4-92. Order Directing the Release of a Vessel or Property in Accordance with FRCP Supplemental E(5) — Form 16.
- § 4-93. Application for Appointment of Substitute Custodian, FRCP Supplemental E(C) — Form 17.
- § 4-94. Consent and Indemnification Agreement for the Appointment of a Substitute Custodian — Form 18.
- § 4-95. Order Appointing Substitute Custodian, Rule E(4)(d) — Form 19.
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- § 4-99. Ad Interim Stipulation for Value, FRCP Supplemental F(1) — Form 23.
- § 4-100. Order for Ad Interim Stipulation and Enjoining of Suits, FRCP Supplemental F(1) — Form 24.
- § 4-101. Order for Notice, FRCP Supplemental F(4) — Form 25.

- § 4-102. Notice of Filing of Complaint for Exoneration From or Limitation of Liability, Rule F(4) — Form 26.
- § 4-103. Claim — Form 27.
- § 4-104. Affidavit — Form 28.

Part 6. Electronic Courts Administrative Procedures

- § 4-105. Certificate of Service - Form 1.
- § 4-106. Notice of Conventional Filing - Form 2.
- § 4-107. Declaration of Technical Difficulties - Form 3.
- § 4-108. Notice of Conventional Filing — Form 4.
- § 4-109. Declaration of Technical Difficulties — Form 5.
- § 4-110. Pro Se (Non-Prisoner) Consent & Registration Form to Receive Documents Electronically — Form 6.

Part 1. Miscellaneous Forms.

§ 4-2. Conditional Assumption of Defense and Indemnification Letter.

ANNOTATIONS

Liability Insurance: Insurer’s Assumption Of Or Continuation In Defense Of Action Brought Against The Assured As Waiver Or Estoppel As Regards Defense Of Noncoverage Or Other Defense Existing At Time Of Accident, 38 A.L.R.2d 1148

§ 4-3. Subpoena Duces Tecum.

ANNOTATIONS

MRCP 45

MRCrP 33

U.R.Y.C.P. 6

N. & S.D. Miss L.U. Civ R 45

Miss. Code Ann. § 41-9-103, § 11-1-51

Mississippi Rules Annotated

Rights and remedies of financial institution customer in relation to subpoena duces tecum exception to general prohibition of state right to financial privacy statute. 43 A.L.R.4th 1157

Form, Particularity, And Manner Of Designation Required In Subpoena Duces Tecum For Production Of Corporate Books, Records, And Documents, 23 A.L.R.2d 862

§ 4-4. Motion to Quash Subpoena.

ANNOTATIONS

MRCP 45

MRCrP 33

U.R.Y.C.P. 6

N. & S.D. Miss L.U. Civ R 45

§ 4-5. Notice of Hearing.

ANNOTATIONS

MRCP 45

§ 4-6. Motion to Partially Quash Subpoena Duces Tecum and for Protective Order.

ANNOTATIONS

MRCP 26, 45

MRCrP 33

Construction And Effect Of Rules 30(b), (d), 31(d), Of The Federal Rules Of Civil Procedure, And Similar State Statutes And Rules, Relating To Preventing, Limiting, Or Terminating The Taking Of Depositions, 70 A.L.R.2d 685

§ 4-7. Protective Order.

ANNOTATIONS

MRCP 26

§ 4-8. Authorization for Release of Records.

ANNOTATIONS

Miss. R. Evid. 503

§ 4-9. Notice of Deposition.

ANNOTATIONS

MRCP 30

Construction And Effect Of Rules 30(b), (d), 31(d), Of The Federal Rules Of Civil Procedure, And Similar State Statutes And Rules, Relating To Preventing, Limiting, Or Terminating The Taking Of Depositions, 70 A.L.R.2d 685

§ 4-10. Notice of 30(b)(6) Deposition.

ANNOTATIONS

MRCP 30

Construction And Effect Of Rules 30(b), (d), 31(d), Of The Federal Rules Of Civil Procedure, And Similar State Statutes And Rules, Relating To Preventing, Limiting, Or Terminating The Taking Of Depositions, 70 A.L.R.2d 685

Sanctions Available Under Rule 37, Federal Rules of Civil Procedure, Other Than Exclusion Of Expert Testimony, For Failure To Obey Discovery Order Not Related To Expert Witness, 156 A.L.R. Fed. 601

Federal District Court's Power To Impose Sanctions On Non-Parties For Abusing Discovery Process, 149 A.L.R. Fed. 589

§ 4-11. Expert Designations in Federal Court.

ANNOTATIONS

FRCP 26(a)(2)

Federal District Court Uniform Local Rule 26.1

Propriety Of Exclusion Of Expert Testimony As Sanction Under Federal Civil Procedure Rule 37(b)(2)(B) For Violation Of Discovery Order, 151 A.L.R. Fed. 561

§ 4-11A. Motion to Dismiss Seller in Stream of Commerce from Product Liability Action.

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____, PLAINTIFF

v. _____ CIVIL ACTION NO. _____
_____, DEFENDANT

COMES NOW _____ and for its motion to dismiss the complaint says:

1. On _____, 20__, _____ was served with a complaint naming _____ as a defendant in an action seeking damages based on a products liability claim.

2. _____'s liability is based solely on _____'s status as a seller in the stream of commerce.

3. Another defendant, _____, is properly before the Court, and recovery on the products liability claim may be had from _____.

4. Under Mississippi Annotated Code Section 11-1-64, _____ is therefore entitled to an order of dismissal of the claim without prejudice.

WHEREFORE, PREMISES CONSIDERED, _____ prays for an order dismissing the claim, and for such other relief as is just and proper in the premises.

Respectfully submitted,

Name

By:

Of Counsel

OF COUNSEL:

Name and address

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

_____, PLAINTIFF

v. _____ CIVIL ACTION NO. _____

_____, DEFENDANT

**AFFIDAVIT ACCOMPANYING MOTION TO DISMISS PRODUCT
LIABILITY CLAIM AGAINST SELLER IN STREAM OF COMMERCE**

I, _____, being first duly sworn, depose and say that I am a defendant in this case; that in support of my motion to dismiss the claim, I state that I am aware of no facts or circumstances on which a verdict could be reached against me, other than my status as a seller in the stream of commerce.

I understand that a false statement in this affidavit will subject me to penalties for perjury.

Signature of Affiant

ANNOTATIONS

MRCP 12

§ 4-12. Full, Complete, and Final Settlement Release.

ANNOTATIONS

FRCP 26(a)(2)

Federal District Court Uniform Local Rule 26.1

§ 4-13. Confidential Full, Final and Complete Release.

ANNOTATIONS

FRCP 26(a)(2)

Federal District Court Uniform Local Rule 26.1

§ 4-14. Agreed Order of Dismissal with Prejudice.

ANNOTATIONS

MRCP 41

Miss. Code Ann. § 71-3-71

Mississippi Workers' Compensation Laws and Rules Annotated, 2020 Edition

§ 4-15. Petition for Approval of Third Party Settlement and Settlement of Workers' Compensation Claim.

ANNOTATIONS

Miss. Code Ann. § 71-3-29, § 71-3-71

Powe v. Jackson, 236 Miss. 11, 109 So. 2d 546 (1956)

M. Sean Sullivan, Achieving the Best Tax Treatment for your Physical Injury Client's Settlement Award, 66 Miss. L.J. 579

Workmen's Compensation: Attorney's Fee Or Other Expenses Of Litigation Incurred By Employee In Action Against Third Party Tortfeasor As Charge Against Employer's Distributive Share, 74 A.L.R.3d 854

§ 4-16. Order Approving Third Party Settlement and Settlement of Workers' Compensation Claim.

ANNOTATIONS

Miss. Code Ann. § 71-3-29, § 71-3-71

Powe v. Jackson, 236 Miss. 11, 109 So. 2d 546 (1956)

M. Sean Sullivan, Achieving the Best Tax Treatment for your Physical Injury Client's Settlement Award, 66 Miss. L.J. 579

Annotation: Workmen's Compensation: Attorney's Fee Or Other Expenses Of Litigation Incurred By Employee In Action Against Third Party Tortfeasor As Charge Against Employer's Distributive Share, 74 A.L.R.3d 854

§ 4-17. Petition for Authority to Compromise Claim of Minor for Less Than \$10,000.00.

ANNOTATIONS

Miss. Code Ann. § 93-20-418

Part 2. Mississippi Rules of Civil Procedure Forms.

§ 4-19. Summons and Proof of Service — Rules of Civil Procedure Form 1A.

FORM 1A. SUMMONS

(Process Server)

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI

A.B., Plaintiff(s)

v.

Civil Action, File No. _____

CD., Defendant(s)

SUMMONS

THE STATE OF MISSISSIPPI

TO: (Insert the name and address of the person to be served)

NOTICE TO DEFENDANT(S)

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint to _____, the attorney for the Plaintiff(s), whose post office address is _____ and whose street address is _____. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this ____ day of _____, 19__.

Clerk of _____ County, Mississippi

(Seal)

[This form shall appear on the reverse side of Form 1A. Summons (Process Server)]

PROOF OF SERVICE--SUMMONS

(Process Server)

[Use separate proof of service for each person served]

Name of Person or Entity Served

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGEMENT SERVICE. By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgement and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgement of receipt pursuant to M.R.C.P. Form 1B).

 PERSONAL SERVICE. I personally delivered copies to _____ on the day of _____, 19 , where I found said person(s) in _____ County of the State of _____.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____ county, (state). I served the summons and complaint on the day of _____, 19 , at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of _____, 19 , I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or the return envelope marked "Refused.")

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$ _____

Process server must list below: [Please print or type]

Name _____
Social Security No. _____
Address _____
Telephone No. _____

State of _____)
County of _____)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing “Proof of Service-Summons” are true and correct as therein stated.

Process Server (Signature)

Sworn to and subscribed before me this the ____ day of _____ 19 __.

Notary Public

(Seal) My Commission Expires: _____

[Adopted effective March 1, 1985; amended effective May 2, 1985; amended March 17, 1995.]

ANNOTATIONS

MRCP 4

Mississippi Rules Annotated

§ 4-20. Summons and Sheriff's Return — Rules of Civil Procedure Form 1AA.

ANNOTATIONS

MRCP 4

§ 4-21. Notice and Acknowledgement for Service by Mail — Rules of Civil Procedure Form 1B.

**FORM 1B. NOTICE AND ACKNOWLEDGMENT
FOR SERVICE BY MAIL**

IN THE COURT OF _____ COUNTY, MISSISSIPPI

A.B., Plaintiff(s)

(include appropriate designation of other plaintiffs)

v.

Civil Action, File No. _____

C.D., Defendant(s)

(include appropriate designation of other defendants)

NOTICE

TO: (Insert the name and address of the person to be served)

The enclosed summons and complaint are served pursuant to Rule 4(c)(3) of the Mississippi Rules of Civil Procedure.

You must sign and date the acknowledgment at the bottom of this page. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within 20 days of the date of mailing shown below, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint.

If you do complete and return this form, you (or the party on whose behalf you are being served) must respond to the complaint within 30 days of the date of your signature. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare that this Notice and Acknowledgement of Receipt of Summons and Complaint was mailed on _____ (Insert date)

Signature

**THIS ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT
MUST BE COMPLETED**

I acknowledge that I have received a copy of the summons and of the complaint in the above-captioned matter in the State of _____.

Signature

(Relationship to Entity/Authority
to Receive Service of Process)

Date of Signature

State of _____)
County of _____)

Personally appeared before me, the undersigned authority in and for the State and County aforesaid, the above named _____, who solemnly and truly declared and affirmed before me that the matters and facts set forth in the foregoing Acknowledgement of Receipt of Summons and Complaint are true and correct as therein stated.

Affirmed and subscribed before me this ____day of _____, 19 __.

Notary Public
My Commission Expires_____

(Seal)

[Adopted effective March 1, 1985; amended effective May 2, 1985; amended March 17, 1995.]

ANNOTATIONS

MRCP 4

§ 4-22. Summons by Publication — Rules of Civil Procedure Form 1C.

ANNOTATIONS

MRCP 4

§ 4-23. Rule 81 Summons (Sheriff or Process Server) — Rules of Civil Procedure Form 1D.

ANNOTATIONS

MRCP 4, 81

§ 4-24. Rule 81 Summons (Summons by Publication) — Rules of Civil Procedure Form 1DD.

ANNOTATIONS

MRCP 4, 81

§ 4-25. Waiver of Process — Rules of Civil Procedure Form 1E.

FORM 1E. WAIVER OF PROCESS

IN THE _____ COURT OF COUNTY, MISSISSIPPI

A.B. Plaintiff

v.

Civil Action, File No. _____

C.D. Defendant

WAIVER OF PROCESS

The undersigned (name), whose post office address is _____ and whose street address is _____, does hereby waive the service of summons and (designate any pleading on which service is being waived) upon myself in this cause.

In executing this document I certify that I am not an unmarried minor and am not mentally incompetent.

(In addition the person executing the waiver may add any or all of the following to the document:)

[Furthermore, by the filing of this document, I enter my appearance in this cause]

just as if I had been served more than 30 days prior to this date]

[and agree that this action may be heard and disposed of without further notice to me]

[and join in this action and in the prayer for relief]

This the __ day of _____, 20__.

Name

STATE OF _____)

COUNTY OF _____)

Personally appeared before me, the undersigned authority for the jurisdiction aforesaid, the within named _____ who acknowledged that he signed and delivered the above and foregoing instrument on the day and year therein mentioned.

Given under my hand this the __ day of _____, 20__.

Notary Public

My Commission Expires:

[In lieu of the above acknowledgment the following oath may be used:]

STATE OF _____)
COUNTY OF _____)

Personally appeared before me the undersigned authority in and for the jurisdiction aforesaid the within named _____ who, being first by me duly sworn, states on oath that the matters and facts set forth in the foregoing instrument are true and correct as therein stated.

Name

Sworn to and subscribed before me this the __ day of ___, 20__.

Notary Public

My Commission Expires:

[Adopted effective February 1, 1990; amended effective July 1, 2009 to delete convicted felony exception.]

ANNOTATIONS

MRCP 4

§ 4-26. Complaint on a Promissory Note — Rules of Civil Procedure Form 2.

FORM 2. COMPLAINT ON A PROMISSORY NOTE

1. Defendant on or about _____, 19 __, executed and delivered to Plaintiff a promissory note [in the following words and figures: (here set out the note verbatim)]; [a copy of which is hereto annexed as Exhibit A]; [whereby defendant promised to pay to plaintiff or order on _____, 19 __, the sum of ____ dollars with interest thereon at the rate of ____ percent per annum] [and agreed to pay a reasonable attorney's fee for collection].

2. Defendant owes to plaintiff [the amount of said note] [\$ _____ that is due on said note] and interest.

Wherefore plaintiff demands judgment against defendant for the sum of _____ dollars, interest, attorney's fee, and costs.

Attorney for Plaintiff

Address

ANNOTATIONS

MRCP 7 – 11

§ 4-27. Complaint on Covenant or Agreement — Rules of Civil Procedure Form 3.

ANNOTATIONS

MRCP 7 – 11

Mississippi Rules Annotated

§ 4-28. Complaint for Specific Performance — Rules of Civil Procedure Form 4.

ANNOTATIONS

MRCP 7 – 11

Mississippi Rules Annotated

§ 4-29. Complaint on an Open Account — Rules of Civil Procedure Form 5.

ANNOTATIONS

MRCP 7 – 11

Mississippi Rules Annotated

§ 4-30. Complaint on Account Stated — Rules of Civil Procedure Form 6.

ANNOTATIONS

MRCP 7 – 11

Mississippi Rules Annotated

§ 4-31. Complaint for Goods Sold and Delivered — Rules of Civil Procedure Form 7.

ANNOTATIONS

MRCP 7 – 11

§ 4-32. Complaint for Work and Labor Done — Rules of Civil Procedure Form 8.

ANNOTATIONS

MRCP 7 – 11

Mississippi Rules Annotated

§ 4-33. Complaint for Money Lent — Rules of Civil Procedure Form 9.

ANNOTATIONS

MRCP 7 – 11

Mississippi Rules Annotated

§ 4-34. Complaint for Money Paid by Mistake — Rules of Civil Procedure Form 10.

ANNOTATIONS

MRCP 7 – 11

§ 4-35. Complaint for Money Had and Received — Rules of Civil Procedure Form 11.

ANNOTATIONS

MRCP 7 – 11

Mississippi Rules Annotated

§ 4-36. Complaint for Money Paid by Plaintiff for Defendant — Rules of Civil Procedure Form 12.

ANNOTATIONS

MRCP 7 – 11

Mississippi Rules Annotated

§ 4-37. Complaint on a Policy of Life Insurance — Rules of Civil Procedure Form 13.

ANNOTATIONS

MRCP 7 – 11

§ 4-38. Complaint on a Policy of Fire Insurance — Rules of Civil Procedure Form 14.

ANNOTATIONS

MRCP 7 – 11

§ 4-39. Complaint for Negligence or Wantonness — Rules of Civil Procedure Form 15.

NOTE: In 2002, the Mississippi Legislature passed the Tort Reform Act [Chapter 4, Third Extraordinary Session, Laws of 2002], which includes among its provisions affecting tort causes of action filed on or after January 1, 2003:

Miss. Code Ann. § 11-1-65 (punitive damages limitations)

Miss. Code Ann. § 11-1-69 (loss of enjoyment of life no longer separate measure of damages from pain and suffering)

Miss. Code Ann. § 11-11-3 (venue)

Miss. Code Ann. § 85-5-7 (apportionment of fault among joint tortfeasors)

ANNOTATIONS

MRCP 7 – 11

§ 4-40. Complaint Assault and Battery — Rules of Civil Procedure Form 16.

NOTE: In 2002, the Mississippi Legislature passed the Tort Reform Act [Chapter 4, Third Extraordinary Session, Laws of 2002], which includes among its provisions affecting tort causes of action filed on or after January 1, 2003:

Miss. Code Ann. § 11-1-65 (punitive damages limitations)

Miss. Code Ann. § 11-1-69 (loss of enjoyment of life no longer separate measure of damages from pain and suffering)

Miss. Code Ann. § 11-11-3 (venue)

Miss. Code Ann. § 85-5-7 (apportionment of fault among joint tortfeasors)

ANNOTATIONS

MRCP 7 – 11

§ 4-41. Complaint for False Imprisonment — Rules of Civil Procedure Form 17.

NOTE: In 2002, the Mississippi Legislature passed the Tort Reform Act [Chapter 4, Third Extraordinary Session, Laws of 2002], which includes among its provisions affecting tort causes of action filed on or after January 1, 2003:

Miss. Code Ann. § 11-1-65 (punitive damages limitations)

Miss. Code Ann. § 11-1-69 (loss of enjoyment of life no longer separate measure of damages from pain and suffering)

Miss. Code Ann. § 11-11-3 (venue)

Miss. Code Ann. § 85-5-7 (apportionment of fault among joint tortfeasors)

ANNOTATIONS

MRCP 7 – 11

§ 4-42. Complaint for Malicious Prosecution — Rules of Civil Procedure Form 18.

NOTE: In 2002, the Mississippi Legislature passed the Tort Reform Act [Chapter 4, Third Extraordinary Session, Laws of 2002], which includes among its provisions affecting tort causes of action filed on or after January 1, 2003:

Miss. Code Ann. § 11-1-65 (punitive damages limitations)

Miss. Code Ann. § 11-1-69 (loss of enjoyment of life no longer separate measure of damages from pain and suffering)

Miss. Code Ann. § 11-11-3 (venue)

Miss. Code Ann. § 85-5-7 (apportionment of fault among joint tortfeasors)

ANNOTATIONS

MRCP 7 – 11

Mississippi Rules Annotated (2012), Published by the Litigation/General Practice Section of The Mississippi Bar

§ 4-43. Complaint for Fraud — Rules of Civil Procedure Form 19.

NOTE: In 2002, the Mississippi Legislature passed the Tort Reform Act [Chapter 4, Third Extraordinary Session, Laws of 2002], which includes among its provisions affecting tort causes of action filed on or after January 1, 2003:

Miss. Code Ann. § 11-1-65 (punitive damages limitations)

Miss. Code Ann. § 11-1-69 (loss of enjoyment of life no longer separate measure of damages from pain and suffering)

Miss. Code Ann. § 11-11-3 (venue)

Miss. Code Ann. § 85-5-7 (apportionment of fault among joint tortfeasors)

ANNOTATIONS

MRCP 7 – 11

§ 4-44. Complaint on a Warranty — Rules of Civil Procedure Form 20.

NOTE: In 2002, the Mississippi Legislature passed the Tort Reform Act [Chapter 4, Third Extraordinary Session, Laws of 2002], which includes among its provisions affecting tort causes of action filed on or after January 1, 2003:

Miss. Code Ann. § 11-1-65 (punitive damages limitations)

Miss. Code Ann. § 11-1-69 (loss of enjoyment of life no longer separate measure of damages from pain and suffering)

Miss. Code Ann. § 11-11-3 (venue)

Miss. Code Ann. § 85-5-7 (apportionment of fault among joint tortfeasors)

ANNOTATIONS

MRCP 7 – 11

§ 4-45. Complaint for Conversion — Rules of Civil Procedure Form 21.

NOTE: In 2002, the Mississippi Legislature passed the Tort Reform Act [Chapter 4, Third Extraordinary Session, Laws of 2002], which includes among its provisions affecting tort causes of action filed on or after January 1, 2003:

Miss. Code Ann. § 11-1-65 (punitive damages limitations)

Miss. Code Ann. § 11-1-69 (loss of enjoyment of life no longer separate measure of damages from pain and suffering)

Miss. Code Ann. § 11-11-3 (venue)

Miss. Code Ann. § 85-5-7 (apportionment of fault among joint tortfeasors)

ANNOTATIONS

MRCP 7 – 11

§ 4-46. Motion to Dismiss Pursuant to Rule 12(b) — Rules of Civil Procedure Form 22.

ANNOTATIONS

MRCP 12

§ 4-47. Answer Presenting Defenses Under Rule 12(b) — Rules of Civil Procedure Form 23.

ANNOTATIONS

MRCP 12

§ 4-48. Motion to Bring in Third-Party Defendant — Rules of Civil Procedure Form 24.

ANNOTATIONS

MRCP 14

Right of Defendant Under Rules 14(a) and 18(a) of Federal Rules of Civil Procedure to Assert Against Third Party Properly in Case, Claim for Damages in Excess of, or Different From, Those Sought by Original Plaintiff, 12 A.L.R. Fed. 877

§ 4-49. Third-Party Complaint — Rules of Civil Procedure Form 25.

ANNOTATIONS

MRCP 14

§ 4-50. Motion to Intervene as a Defendant Under Rule 24 — Rules of Civil Procedure Form 26.

ANNOTATIONS

MRCP 24

§ 4-51. Motion to Drop Defendant or for Severance of Claims — Rules of Civil Procedure Form 27.

ANNOTATIONS

MRCP 12, 20, 21, 42

§ 4-52. Motion by Defendant for Severance of Claims of Several Plaintiffs — Rules of Civil Procedure Form 28.

ANNOTATIONS

MRCP 20, 21, 42

§ 4-53. Motion by Plaintiff to Add Defendant — Rules of Civil Procedure Form 29.

ANNOTATIONS

MRCP 15, 19, 20

Richard T. Phillips, *Litigation In Mississippi Today: A Symposium: Class Actions & Joinder In Mississippi*, 71 Miss. L.J. 447

Propriety Of Use Of Fictitious Name Of Defendant In Federal District Court, 139 A.L.R. Fed. 553

Rule 15(c), Federal Rules of Civil Procedure, Or State Law As Governing Relation Back Of Amended Pleading, 100 A.L.R. Fed. 880

Construction And Application Of Rule 15(d) of Federal Rules of Civil Procedure Providing For Allowance Of Supplemental Pleadings Setting Forth Transactions, Occurrences, Or Events Subsequent To Original Pleadings, 28 A.L.R. Fed. 129

Amendment of Pleading to Add, Substitute, or Change Capacity of, Party Plaintiff as Relating Back to Date of Original Pleading, Under Rule 15(c) of Federal Rules of Civil Procedure, so as to Avoid Bar of Limitations, 12 A.L.R. Fed. 233

§ 4-54. Motion by Defendant to Bring in Additional Defendant — Rules of Civil Procedure Form 30.

ANNOTATIONS

MRCP 15, 19, 20

Richard T. Phillips, *Litigation In Mississippi Today: A Symposium: Class Actions & Joinder In Mississippi*, 71 Miss. L.J. 447

Propriety Of Use Of Fictitious Name Of Defendant In Federal District Court, 139 A.L.R. Fed. 553

Rule 15(c), Federal Rules of Civil Procedure, Or State Law As Governing Relation Back Of Amended Pleading, 100 A.L.R. Fed. 880

Construction And Application Of Rule 15(d) of Federal Rules of Civil Procedure Providing For Allowance Of Supplemental Pleadings Setting Forth Transactions, Occurrences, Or Events Subsequent To Original Pleadings, 28 A.L.R. Fed. 129

Amendment of Pleading to Add, Substitute, or Change Capacity of, Party Plaintiff as Relating Back to Date of Original Pleading, Under Rule 15(c) of Federal Rules of Civil Procedure, so as to Avoid Bar of Limitations, 12 A.L.R. Fed. 233

§ 4-55. Motion by Defendant to Add Additional Plaintiff — Rules of Civil Procedure Form 31.

ANNOTATIONS

MRCP 15, 19

§ 4-56. Answer to Complaint Set Forth in Form 11 with Counter-Claim for Interpleader — Rules of Civil Procedure Form 32.

ANNOTATIONS

MRCP 12, 22

§ 4-57. Plaintiff's Motion for Substitution — Deceased Party Defendant — Rules of Civil Procedure Form 33.

ANNOTATIONS

MRCP 25

Sufficiency Of Suggestion Of Death Of Party, Filed Under Rule 25(a)(1) of Federal Rules of Civil Procedure, Governing Substitutions Of Party After Death, 105 A.L.R. Fed. 816

Construction Of Federal Rule 25(a)(1) As Permitting Substitution, As A Party, Of Personal Representative Of A Nonresident Decedent, 79 A.L.R.2d 532

§ 4-58. Pre-Trial Order — Rules of Civil Procedure Form 34.

ANNOTATIONS

MRCP 16

§ 4-59. Motion for Judgment Notwithstanding the Verdict, or in the Alternative, for New Trial — Rules of Civil Procedure Form 35.

ANNOTATIONS

MRCP 50

Practice And Procedure With Respect To Motions For Judgment Notwithstanding Or In Default Of Verdict Under Federal Civil Procedure Rule 50(b) Or Like State Provisions, 69 A.L.R.2d 449

§ 4-60. Application to Clerk for Entry of Default and Supporting Affidavit — Rules of Civil Procedure Form 36.

ANNOTATIONS

MRCP 55

§ 4-61. Docket for Entry of Default — Rules of Civil Procedure Form 37.

ANNOTATIONS

MRCP 55

§ 4-62. Default Judgment Entered by Court — Rules of Civil Procedure Form 38.

ANNOTATIONS

MRCP 55

Part 3. Mississippi Rules of Appellate Procedure Forms.

§ 4-63. Notice of Appeal — Rules of Appellate Procedure Form 1.

ANNOTATIONS

MRAP 3, 4

§ 4-64. Designation of the Record — Rules of Appellate Procedure Form 2.

FORM 2

IN THE _____ COURT OF THE ____ JUDICIAL
DISTRICT OF _____ COUNTY, MISSISSIPPI

VS. _____

PLAINTIFF
NO. _____
DEFENDANT

DESIGNATION OF THE RECORD

_____, appellant, by counsel, pursuant to M.R.A.P. 10(b)(1),
designates the following parts of the record as being necessary to be included on appeal:

All clerk's papers, trial transcripts and exhibits filed, taken or offered in this case.
[or]

1. The Complaint.
2. The Answer and Defenses.
3. Plaintiff's Motion to Compel Discovery, and the Court's Order entered on _____,
20___, overruling that motion.
4. A transcript of the trial of this case on _____, 20___, including voir dire and
all in chambers conferences, and all exhibits offered and marked for identification or admitted
into evidence.
5. All jury instructions filed or granted.
6. The judgment entered on _____, 20___.
7. The Motion for Judgment Notwithstanding the Verdict, or, in the Alternative for New

Trial, and the Court's Order filed _____, 20 __, overruling the motion.*

THIS the ____ day of _____, 20 __.

Respectfully submitted,

[Appellant]

s/ _____

Attorney for Appellant

[Address]

* In a criminal case, the sentencing order should be included.

CERTIFICATE OF SERVICE

I, _____, attorney for appellant _____, certify that I have this day served a copy of this Designation of the Record by United States mail with postage prepaid on the following persons at these addresses:

[Attorney for Appellee w/Address]

[Court Reporter w/Address]

This the ____ day of _____, 20 __.

s/ _____

Attorney for Appellant

[Adopted to govern matters filed on or after January 1, 1995; amended May 23, 2002; amended January 12, 2017, to delete Court Reporter's Acknowledgment.]

ANNOTATIONS

§ 4-65. Certificate of Compliance with Rule 11(b)(1) — Rules of Appellate Procedure Form 3.

This form can be obtained from the State of Mississippi Judiciary, www.mssc.state.ms.us

FORM 3

IN THE _____ COURT OF THE _____ JUDICIAL
DISTRICT OF _____ COUNTY, MISSISSIPPI

VS. _____

PLAINTIFF
NO. _____
DEFENDANT

CERTIFICATE OF COMPLIANCE WITH RULE 11(b)(1)

I, _____, attorney for appellant _____, I have complied with M.R.A.P. 11(b) and that the estimated cost of preparing the designated record on appeal is \$ _____, and I have on or before this day deposited that sum with the clerk of this Court.

This the ____ day of _____, 20 ____.

Respectfully submitted,
[APPELLANT]
s/ _____
Attorney for Appellant
[Address]

CERTIFICATE OF SERVICE

I, _____, attorney for appellant _____, certify that I have this day served a copy of this Certificate of Compliance with Rule 11(b)(1) by United States mail with postage prepaid on the following persons at these addresses:

[Attorney for appellee with address]
[Court reporter with address]

This the ____ day of _____, 20 ____.

Attorney for Appellant

[Adopted to govern matters filed on or after January 1, 1995; amended May 23, 2002.]

ANNOTATIONS

MRAP 11

§ 4-66. Affidavit to Accompany Motion for Leave to Appeal in Forma Pauperis — Rules of Appellate Procedure Form 4.

This form can be obtained from the State of Mississippi Judiciary, www.mssc.state.ms.us

FORM 4

IN THE CIRCUIT COURT OF THE _____ JUDICIAL DISTRICT
OF _____ COUNTY, MISSISSIPPI*

STATE OF MISSISSIPPI

VS.

NO. _____

AFFIDAVIT TO ACCOMPANY MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

I, _____, being first duly sworn, depose and say that I am the _____
_____ in this case; that, in support of my motion to proceed on appeal without being
required to prepay fees and costs, I state that because of my poverty I am unable to pay the
fees and costs of this proceeding and that I believe I am entitled to redress.

I further swear that the responses which I have made to the question and instructions
below relating to my ability to pay the fees and costs of prosecuting the appeal are true.

1. Are you presently employed? _____

a. If the answer is yes, state the amount of your salary and wages per month and
give the name and address of your employer.

b. If the answer is no, state the date of your last employment and the amount of
the salary and wages per month which you received.

2. Have you received within the past twelve months any income from a business,
profession or other form of self-employment, or in the form of rental payments,
interest, dividends, or other source? _____

a. If the answer is yes, describe each source of income and state the amount
received from each during the past twelve months. _____

3. Do you own any cash or checking or savings account? _____

a. If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

- a. If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support and state your relationship to those persons.

I understand that a false statement or answer to any question or instruction in this affidavit will subject me to penalties for perjury.

Signature of Applicant

STATE OF _____
COUNTY OF _____

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 20 ____.

Notary Public

MY COMMISSION EXPIRES _____

* An affidavit filed in the Supreme Court accompanying an application under M.R.A.P. 22 for post-conviction collateral relief after an appeal has been affirmed or dismissed should be captioned "In the Supreme Court of Mississippi."

[Adopted to govern matters filed on or after January 1, 1995; amended May 23, 2002.]

ANNOTATIONS

MRAP 6

§ 4-67. Appeal Bond to Supreme Court of Mississippi with Supersedeas — Rules of Appellate Procedure Form 5.

This form can be obtained from the State of Mississippi Judiciary, www.mssc.state.ms.us

FORM 5

IN THE _____ COURT OF THE _____ JUDICIAL
DISTRICT OF _____ COUNTY, MISSISSIPPI

VS.

PLAINTIFF
NO. _____
DEFENDANT

APPEAL BOND TO SUPREME COURT OF MISSISSIPPI WITH SUPERSEDEAS

STATE OF MISSISSIPPI
COUNTY OF _____

BECAUSE IN THIS CAUSE pending in the _____ Court of the _____ Judicial District of _____ County, Mississippi, a final judgment was entered in favor of _____, plaintiff, against _____, [one of the] defendant[s], on _____, 20____, and defendant's post-trial motions were denied, the defendant, _____, desires to prosecute an appeal to the Supreme Court of Mississippi with supersedeas pursuant to Mississippi Rule of Civil Procedure 62 and M.R.A.P. Rule 8.

KNOW ALL BY THIS BOND, that we, _____, as principal, and _____, a guaranty or surety company authorized to do business in the State of Mississippi, are held and firmly bound unto plaintiff _____, or [his/her/its] administrators, executors, successors or assigns, in the penal sum of \$_____ for which payment to be made, we bind ourselves, our successors and assigns, jointly and severally.

THE CONDITION OF THE FOREGOING OBLIGATION is that, if the defendant, _____, shall prosecute this appeal with effect in the Supreme Court of Mississippi and shall satisfy the judgment complained of in full, together with costs, interest, penalties, and damages, if for any reason the appeal is dismissed or if the judgment is affirmed, or shall satisfy in full such modification of the judgment and such costs, interest and damages as the Supreme Court of Mississippi or the Court of Appeals may adjudge against the defendant, then this obligation will be void; otherwise, it will remain in full force and effect.

[Principal]

BY: s/ _____
[Principal or Attorney]

[Guaranty or Surety Company]

BY: s/ _____
Agent and Attorney-in-Fact
[Guaranty or Surety Company]
[Address]*

THIS SUPERSEDEAS BOND AND SURETY ARE APPROVED and the judgment
complained of is stayed pending appeal on this the ____ day of _____, 20____.

_____ Clerk,
_____ County, Mississippi

* The address should be an address to which the clerk of the trial court can send notice of a
motion to enforce liability. See M.R.A.P. 8(d).

[Adopted to govern matters filed on or after January 1, 1995; amended May 23, 2002.]

ANNOTATIONS

MRAP 8, 41

§ 4-68. List of Clerk’s Papers — Rules of Appellate Procedure Form 6.

ANNOTATIONS

MRAP 11(d)

Part 3A. Administrative Procedures for Mississippi Electronic Courts**§ 4-68.1. Certificate of Service – Form 1.**

This form can be obtained from the State of Mississippi Judiciary website, <https://courts.ms.gov/rules/msrules.html>.

FORM 1

SAMPLE FORMAT

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the MEC system which sent notification of such filing to the following:

Further, I hereby certify that I have mailed by United States Postal Service the document to the following non-MEC participants:

This the ___ day of _____, 20__.

/s/ [Name of Password Registrant]

Name of Password Registrant

§ 4-68.2. Notice of Conventional Filing – Form 2.

This form can be obtained from the State of Mississippi Judiciary website, <https://courts.ms.gov/rules/msrules.html>.

FORM 2

SAMPLE FORMAT

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI

Plaintiff(s)

vs. _____ Case No. _____

Defendant(s)

NOTICE OF CONVENTIONAL FILING

_____ is in paper form only and is being maintained in the case file in the Clerk’s office. This document has not been filed electronically because [examples: the document or thing cannot be converted to an electronic format, the electronic file size of the document exceeds ten (10) megabytes, the document or thing is filed under seal, or the party is excused from filing this document or thing by court order.]

If appropriate, the document or thing has been manually served on all parties.

Date: _____

/s/ [Name of Password Registrant] _____
Name of Password Registrant
Address
City, State, Zip Code
Phone: XXX-XXX-XXXX
Fax: XXX-XXX-XXXX
E-mail: XXX@XXX.XXX

§ 4-68.3. Declaration of Technical Difficulties – Form 3.

This form can be obtained from the State of Mississippi Judiciary website, <https://courts.ms.gov/rules/msrules.html>.

FORM 3**SAMPLE FORMAT**

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI

Plaintiff(s)

vs.

Case No. _____

Defendant(s)

DECLARATION OF TECHNICAL DIFFICULTIES

Please take notice that _____ was unable to file _____ in a timely manner due to technical difficulties. The deadline for filing the _____ was _____. The reason(s) that I was unable to file the _____ in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

/s/[Name of Password Registrant]

Name of Password Registrant

Address

City, State, Zip Code

Phone: XXX-XXX-XXXX

Fax: XXX-XXX-XXXX

E-mail: XXX@XXX.XXX

Part 4. United States District Court Forms.

§ 4-68A. Case Management Order — U.S. District Court Form 1.

This form can be obtained from the United States District Court, http://www.msnd.uscourts.gov/sites/msnd/files/forms/Form1_CMO_Sep_2020.pdf

Last Updated: September 2020

FORM 1 (ND/SD MISS. DEC. 2019)

Print Form

Reset Form

UNITED STATES DISTRICT COURT
CHOOSE DISTRICT: DISTRICT OF MISSISSIPPI
CHOOSE DIVISION:

Enter Plaintiff(s) here:

PLAINTIFF

v.

CIVIL ACTION
No.

Enter Defendant(s) here:

DEFENDANT

CASE MANAGEMENT ORDER

This Order, including all deadlines, has been established with the participation of all parties and can be modified only by order of the Court on a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record.

IT IS HEREBY ORDERED:

1. ESTIMATED DAYS OF TRIAL: _____

ESTIMATED TOTAL NUMBER OF WITNESSES: _____

EXPERT TESTIMONY EXPECTED: Yes NO. OF EXPERTS:

Enter explanation (if necessary) here:

2. ALTERNATIVE DISPUTE RESOLUTION [ADR]. (Pick one) Edit #2

Alternative dispute resolution techniques appear helpful and will be used in this civil action as follows:

Additional Information:

3. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE. (Pick one)

The parties consent to trial by a United States Magistrate Judge.

Form 1 (ND/SD MISS. DEC. 2019)

4. DISCLOSURE. (Pick one)

Edit #4

The following additional disclosure is needed and is hereby ordered:

5. MOTIONS; ISSUE BIFURCATION. (Pick one)

Edit #5

Staged resolution/bifurcation will assist in the prompt resolution of this action. The Court orders that:

Early filing of the following motion(s) might significantly affect the scope of discovery or otherwise expedite the resolution of this action:

6. DISCOVERY PROVISIONS AND LIMITATIONS.

- A. Interrogatories are limited to _____ succinct questions.
- B. Requests for Production are limited to _____ succinct questions.
- C. Requests for Admissions are limited to _____ succinct questions.
- D. Depositions are limited to the parties, experts, and no more than _____ fact witness depositions per party without additional approval of the Court.

FORM 1 (ND/SD MISS. DEC. 2019)

E. The parties have complied with the requirements of Local Rule 26(f)(2)(B) regarding discovery of electronically stored information and have concluded as follows:

F. The court imposes the following further discovery provisions or limitations:

- ☐ 1. The parties have agreed that defendant may obtain a Fed.R.Civ. P. 35 (L.U.Civ.R. 35) medical examination of the plaintiff (within subpoena range of the court) by a physician who has not examined the plaintiff, and that defendant may arrange the examination without further order of the court. The examination must be completed in time to comply with expert designation discovery deadlines.
- ☐ 2. Pursuant to FED.R.EVID. 502(d), the attorney-client privilege and the work-product protections are not waived by any disclosure connected within this litigation pending before this Court. Further, the disclosures are not waived in any other federal or state proceeding.
- ☐ 3. Plaintiff must execute an appropriate, HIPAA-compliant medical authorization.
- ☐ 4. The court desires to avoid the necessity of filing written discovery motions where court participation in an informal discussion of the issue might resolve it, even after the parties have been unsuccessful in a good faith attempt to do so. Consequently, before a party may serve any discovery motion, counsel must first confer in good faith as required by Fed. R. Civ. P. 37(a)(1). If the attorney conference does not resolve the dispute, counsel must contact the chambers of the magistrate judge to request a telephonic conference to discuss the issue as contemplated by Fed. R. Civ. P. 16(b)(3)(B) (v). Only if the telephonic conference with the judge is unsuccessful in resolving the issue may a party file a discovery motion.
- ☐ 5. Other:

FORM 1 (ND/SD MISS. DEC. 2019)

Additional Provisions:

7. SCHEDULING DEADLINES

A. Trial. This action is set for Choose Type:

RESET DURATION

beginning on: _____, at 9:00, a.m., in Choose City:,

Mississippi, before United States District Judge _____.

THE ESTIMATED NUMBER OF DAYS FOR TRIAL IS _____. ANY CONFLICTS WITH THIS TRIAL DATE MUST BE SUBMITTED IN WRITING TO THE TRIAL JUDGE IMMEDIATELY UPON RECEIPT OF THIS CASE MANAGEMENT ORDER.

B. Pretrial. The pretrial conference is set on: _____, at 9:00, a.m.,

in Choose City:, Mississippi, before United States District

Judge _____.

C. Discovery. All discovery must be completed by: _____.

D. Amendments. Motions for joinder of parties or amendments to the pleadings must be filed by: _____.

E. Experts. The parties' experts must be designated by the following dates:

1. Plaintiff(s): _____.

2. Defendant(s): _____.

FORM 1 (ND/SD MISS. DEC. 2019)

8. MOTIONS. All dispositive motions and *Daubert*-type motions challenging another party's expert must be filed by: _____. The deadline for motions *in limine* is fourteen days before the pretrial conference; the deadline for responses is seven days before the pretrial conference.

9. SETTLEMENT CONFERENCE. Edit #9
Early Settlement Conference and additional Settlement Conference

10. REPORT REGARDING ADR. On or before (7 days before FPTC) _____, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See L.U.Civ.R. 83.7(f)(3).*

SO ORDERED:

DATE

UNITED STATES MAGISTRATE JUDGE

§ 4-69. Notice of Receipt of Original Deposition — U.S. District Court Form 2(a).

This form can be obtained from the United States District Court, <http://www.mssd.uscourts.gov/forms>

Print Form

Reset Form

Form 2(a) (ND/SD Miss. Dec. 2011)

UNITED STATES DISTRICT COURT
CHOOSE : DISTRICT OF MISSISSIPPI

Plaintiff

v.

CIVIL ACTION
No.

Defendant

NOTICE OF RECEIPT OF ORIGINAL DEPOSITION

To: All Counsel of Record

1. Pursuant to L.U.Civ.R. 5(d)(2), notice is hereby given that I have received, and will retain as the custodian thereof, the original of the following deposition:

Deponent: _____

Taken at the instance of: _____

2. Pursuant to L.U.Civ.R. 5(d)(2), a copy of the cover sheet accompanying this deposition is attached hereto as "Exhibit A."

Date

Signature

Typed Name & Bar Number

Attorney for: _____

ANNOTATIONS

N. & S.D. Miss L.U. Civ R 5

§ 4-70. Notice of Service of Interrogatories or Requests for Production of Documents or Responses Thereto — U.S. District Court Form 2(b).

This form can be obtained from the United States District Court, <http://www.mssd.uscourts.gov/forms>

Print Form

Reset Form

Form 2(b) (ND/SD Miss. Dec. 2011)

UNITED STATES DISTRICT COURT
CHOOSE : DISTRICT OF MISSISSIPPI

Plaintiff

v.

CIVIL ACTION
No.

Defendant

NOTICE OF SERVICE OF INTERROGATORIES OR REQUESTS FOR
PRODUCTION OF DOCUMENTS OR RESPONSES THERETO

To: All Counsel of Record

Pursuant to L.U.CIV.R. 5(d)(3), notice is hereby given that on the date entered below I served the following discovery device(s):

(✓) Check as appropriate:

☐

Interrogatories to:

☐

Requests for Production of Documents to:

☐

Requests for Admissions to:

☐

Responses to Interrogatories of:

☐

Responses to Requests for Production of Documents of:

FORM 2(b) (ND/SD Miss. Dec. 2011)

Responses to Requests for
Admissions of: _____

Pursuant to L.U.Civ.R. 5(d)(3), I acknowledge my responsibilities as the custodian of the original(s) of the documents(s) identified above.

Date_____
Signature_____
Typed Name & Bar Number

ANNOTATIONS

N. & S.D. Miss L.U. Civ R 5

§ 4-71. Notice of Service of Pre-Discovery Disclosure Information — U.S. District Court Form 2(c).

This form can be obtained from the United States District Court, <http://www.mssd.uscourts.gov/forms>

Print Form

Reset Form

FORM 2(c) (ND/SD Miss. Dec. 2011)

UNITED STATES DISTRICT COURT
CHOOSE : DISTRICT OF MISSISSIPPI

Plaintiff

v.

CIVIL ACTION
No.

Defendant

NOTICE OF SERVICE OF PRE-DISCOVERY DISCLOSURE INFORMATION

TO: All Counsel of Record

Notice is hereby given that, on the date entered below,

disclosed to _____, the information required by L.U.Civ.R. 26(a).

Date

Signature

Typed Name & Bar Number

Attorney for: _____

ANNOTATIONS

N. & S.D. Miss L.U. Civ R 5

§ 4-71A. Notice of Endorsement – U.S. District Court Form 2(d).

This form can be obtained from the United States District Court for the Southern District of Mississippi, <http://www.mssd.uscourts.gov/forms>.

Print Form

Reset Form

Form 2(d) (ND/SD Miss Dec. 2016)

IN THE UNITED STATES DISTRICT COURT FOR THE
CHOOSE DISTRICT OF MISSISSIPPI
CHOOSE DIVISION:

Plaintiff(s).)
vs.) Case No. _____
Defendant(s).)

NOTICE OF ENDORSEMENT

Pursuant to the ECF Administrative Procedures, I hereby certify that I endorse the inclusion of my signature on the following document [for example: stipulation of dismissal, or joint motion] which was filed electronically on _____:

(Title of document)

Attorney for (Plaintiff or Defendant)
Address: _____

Date: _____

§ 4-71B. Certificate of Service – U.S. District Court Form (2e).

This form can be obtained from the United States District Court for the Southern District of Mississippi, <http://www.mssd.uscourts.gov/forms>.

Print Form

Reset Form

FORM 2(e) (ND/SD Miss. Dec. 2016)

Certificate of Service

I hereby certify that on ____ (Date) ____ I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following: _____ and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants: _____

s/ _____

§ 4-71C. Notice of Conventional Filing – U.S. District Court Form 2(f).

This form can be obtained from the United States District Court for the Southern District of Mississippi, <http://www.mssd.uscourts.gov/forms>.

Print Form

Reset Form

FORM 2(f) (ND/SD Miss. DEC. 2016)

IN THE UNITED STATES DISTRICT COURT FOR THE
CHOOSE DISTRICT OF MISSISSIPPI
CHOOSE DIVISION:

_____,)
 Plaintiff(s),)
 vs.) Case No. _____
 _____,)
 Defendant(s).)

NOTICE OF CONVENTIONAL FILING

☐ _____ is in paper form only and is being electronically filed under seal/or restriction by the Office of the Clerk pursuant to order filed on _____. This document has been manually served on all parties.

OR

☐ cannot be filed electronically. This document has been manually served on all parties.

Attorney for (Plaintiff or Defendant)

Address: _____

Date: _____

§ 4-72. Pre-Trial Order — U.S. District Court Form 3.

This form can be obtained from the United States District Court, <http://www.msnd.uscourts.gov>

Print Form	Reset Form
------------	------------

Form 3 (ND/SD Miss. Dec. 2011)

UNITED STATES DISTRICT COURT
CHOOSE : DISTRICT OF MISSISSIPPI

Plaintiff

v.

CIVIL ACTION
No.

Defendant

PRETRIAL ORDER

1. Choose [by a ✓ mark] one of the following paragraphs, as is appropriate to the action:

If a pretrial conference was held

A pretrial conference was held as follows:

Date: _____ Time: _____

United States Courthouse
at:

Choose City: _____, Mississippi.

before the following judicial
officer:

If the pretrial conference was dispensed with by the court pursuant to L.U.Civ.R. 16(f)(2)

The final pretrial conference having been dispensed with by the judicial officer, the parties have conferred and agree upon the following terms of this pretrial order:

2. The following counsel appeared:

FORM 3 (ND/SD Miss. Dec. 2011)

a. For the Plaintiff:NamePostal and Email
AddressesTelephone No.**b.** For the Defendant:NamePostal and Email
AddressesTelephone No.**c.** For Other Parties:NamePostal and Email
AddressesTelephone No.

- 3.** The pleadings are amended to conform to this pretrial order.
- 4.** The following claims (including claims stated in the complaint, counterclaims, crossclaims, third-party claims, etc.) have been filed:
- 5.** The basis for this court's jurisdiction is:
- 6.** The following jurisdictional question(s) remain(s) [If none, enter "None"]:
- 7.** The following motions remain pending [If none, enter "None"] [Note: Pending motions not noted here may be deemed moot]:
- 8.** The parties accept the following **concise** summaries of the ultimate facts as claimed by:

Form 3 (ND/SD Miss. Dec. 2011)

- a. Plaintiff:

- b. Defendant:

- c. Other:

- 9.
 - a. The following facts are established by the pleadings, by stipulation, or by admission:

 - b. The contested issues of fact are as follows:

 - c. The contested issues of law are as follows:

- 10. The following is a list and brief description of all exhibits (except exhibits to be used for impeachment purposes only) to be offered in evidence by the parties. **Each exhibit has been marked for identification and examined by counsel.**
 - a. To be offered by the Plaintiff:

The authenticity and admissibility in evidence of the preceding exhibits are stipulated. If the authenticity or admissibility of any of the preceding exhibits is objected to, the exhibit must be identified below, together with a statement of the specified evidentiary ground(s) for the objection(s):

FORM 3 (ND/SD Miss. Dec. 2011)

- b. To be offered by the Defendant:

The authenticity and admissibility in evidence of the preceding exhibits are stipulated. If the authenticity or admissibility of any of the preceding exhibits is objected to, the exhibit must be identified below, together with a statement of the specified evidentiary ground(s) for the objection(s):

11. The following is a list and brief description of charts, graphs, models, schematic diagrams, and similar objects which will be used in opening statements or closing arguments, but which **will not** be offered in evidence:

Objections, if any, to use of the preceding objects are as follows:

If any other objects are to be used by any party, such objects will be submitted to opposing counsel at least three business days before trial. If there is then any objection to use of the objects, the dispute will be submitted to the court at least one business day before trial.

12. The following is a list of witnesses Plaintiff anticipates calling at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the trial judge before commencement of trial. The listing of a **WILL CALL** witness constitutes a professional representation, upon which opposing counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary.

Form 3 (ND/SD Miss. Dec. 2011)

	Will/ May Call	[F]act/ [E]xpert [L]iability/ [D]amages	Business Address & Telephone Number
<u>Name</u>			

☐ Will testify live.

☐ Will testify by deposition:

State whether the entire deposition, or only portions, will be used. Counsel **must** confer, no later than twenty-one days before the commencement of trial, to resolve **all** controversies concerning **all** depositions (electronically recorded or otherwise). All controversies not resolved by the parties **must** be submitted to the trial judge not later than fourteen days before trial. All objections not submitted within that time are waived.

13. The following is a list of witnesses Defendant anticipates calling at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the trial judge before commencement of trial. The listing of a **WILL CALL** witness constitutes a professional representation, upon which opposing counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary.

FORM 3 (ND/SD MISS. DEC. 2011)

		[F]act/ [E]xpert	
	Will/ May	[L]iability/ [D]amages	Business Address & Telephone Number
<u>Name</u>	<u>Call</u>		

☐ Will testify live.

☐ Will testify by deposition:

State whether the entire deposition, or only portions, will be used. Counsel **must** confer, no later than twenty-one days before the commencement of trial, to resolve **all** controversies concerning **all** depositions (electronically recorded or otherwise). All controversies not resolved by the parties **must** be submitted to the trial judge not later than fourteen days before trial. All objections not submitted within that time are waived.

14. This (✓) ☐ is ☐ is not a jury case.

15. Counsel suggests the following additional matters to aid in the disposition of this civil action:

FORM 3 (ND/SD Miss. Dec. 2011)

16. Counsel estimates the length of the trial will be _____ days.
17. As stated in paragraph 1, this pretrial order has been formulated (a) at a pretrial conference before a judicial officer, notice of which was duly served on all parties, and at which the parties attended as stated above, or (b) the final pretrial conference having been dispensed with by the judicial officer, as a result of conferences between the parties. Reasonable opportunity has been afforded for corrections or additions prior to signing. This order will control the course of the trial, as provided by Rule 16, Federal Rules of Civil Procedure, and it may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice.

ORDERED, this the _____ day of _____, 20_____.

UNITED STATES DISTRICT JUDGE

Attorney for Plaintiff

Attorney for Defendant

Entry of the preceding Pretrial Order is recommended by me on this, the _____ day of _____, 20_____.

UNITED STATES MAGISTRATE JUDGE

ANNOTATIONS

N. & S.D. Miss L.U. Civ R 5

§ 4-73. Good Faith Certificate — U.S. District Court Form 4.

This form can be obtained from the United States District Court,
<http://www.mssd.uscourts.gov/forms>.

Print Form

Reset Form

FORM 4 (ND/SD MISS. DEC. 2011)

UNITED STATES DISTRICT COURT
 CHOOSE : DISTRICT OF MISSISSIPPI

Plaintiff

v.

CIVIL ACTION
 No.

Defendant

GOOD FAITH CERTIFICATE

All counsel certify that they have conferred in good faith to resolve the issues in question and that it is necessary to file the following motion:

Counsel further certify that:

✓ as appropriate:

- ☐ 1. The motion is unopposed by all parties.
- ☐ 2. The motion is unopposed by:
- ☐ 3. The motion is opposed by:
- ☐ 4. The parties agree that replies and rebuttals to the motion will be submitted to the magistrate judge in accordance with the time limitations stated in L.U.Civ.P. 7(b)(4).

FORM 4 (ND/SD Miss. Dec. 2011)

This the _____ day of _____ 20

Signature of Plaintiff's Attorney

Typed Name and Bar Number

Signature of Defendant's Attorney

Typed Name and Bar Number

§ 4-74. Injunction Bond – U.S. District Court Form 5.

This form can be obtained from the United States District Court, <http://www.msnd.uscourts.gov/forms/all-forms> or <http://www.mssd.uscourts.gov/forms>.

FORM 5 (ND/SD Miss. Dec. 2015)

**IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF MISSISSIPPI
_____ DIVISION**

PLAINTIFF

v.

CIVIL ACTION NO.

DEFENDANT

INJUNCTION BOND

On _____, _____, this court entered a [Temporary Restraining Order][Preliminary Injunction] against [plaintiff][defendant] _____, conditioned upon [plaintiff's][defendant's] posting security sufficient to cover damages and costs to [plaintiff][defendant] _____ if the [Temporary Restraining Order][Preliminary Injunction] is later dissolved, and the court finds that it was wrongfully issued.

If the [Temporary Restraining Order][Preliminary Injunction] is later dissolved as wrongfully issued, we jointly and severally agree to pay to [plaintiff][defendant] any damages and costs, including reasonable attorneys' fees, that the court finds [plaintiff][defendant] has sustained or incurred.

The obligation is limited to \$ _____.

[Plaintiff][Defendant]

By: _____

[Title]

[Insurer/Surety]

By: _____

Its Attorney-in-Fact as Surety

FORM 5 (ND/SD Miss. Dec. 2015)

Approved: _____, 20__.

UNITED STATES DISTRICT JUDGE

§ 4-75. Application For Admission *Pro Hac Vice* — Form 6.

This form can be obtained from the United States District Court,
<http://www.mssd.uscourts.gov/forms>.

Print Form

Reset Form

FORM 6 (ND/SD Miss. Dec. 2015)

**UNITED STATES DISTRICT COURT
CHOOSE : DISTRICT OF MISSISSIPPI**

Plaintiff

v.

**CIVIL ACTION
No.**

Defendant

APPLICATION FOR ADMISSION PRO HAC VICE**(A) Name:**

Firm Name:

Office Address:

City: _____ State _____ Zip

Telephone: _____ Fax: _____

E-Mail: _____

(B) Client(s):

Address:

City: _____ State _____ Zip

Telephone: _____ Fax: _____

FORM 6 (ND/SD Miss. Dec. 2015)

The following information is optional:

Have you had a prior or continuing representation in other matters of one or more of the clients you propose to represent, and is there a relationship between those other matter(s) and the proceeding for which you seek admission?

Do you have any special experience, expertise, or other factor that you believe makes it particularly desirable that you be permitted to represent the client(s) you propose to represent in this case?

(C) I am admitted to practice in the:



State of _____
District of Columbia

and is currently in good standing with that Court. A certificate to that effect, issued by the appropriate licensing authority within ninety days of the date of this Application, is enclosed; the physical address, telephone number and website/email address for that admitting Court are:

All other courts before which I have been admitted to practice::

Jurisdiction

Period of Admission

FORM 6 (ND/SD Miss. DEC. 2015)

- | | Yes | No |
|--|--------------------------|--------------------------|
| (D) ☒ Have you been denied admission pro hac vice in this state? | ☐ | ☐ |
| Have you had admission pro hac vice revoked in this state? | ☐ | ☐ |
| Has Applicant been formally disciplined or sanctioned by any court in this state in the last five years? | ☐ | ☐ |

If the answer was "yes," describe, as to each such proceeding, the nature of the allegations, the name of the person or authority bringing such proceedings; the dates the proceedings were initiated and finally concluded; the style of the proceedings; and the findings made and actions taken in connection with those proceedings:

- | | Yes | No |
|---|--------------------------|--------------------------|
| (E) Has any formal, written disciplinary proceeding ever been brought against you by a disciplinary authority in any other jurisdiction within the last five years? | ☐ | ☐ |

If the answer was "yes," describe, as to each such proceeding, the nature of the allegations; the name of the person or authority bringing such proceedings; the date the proceedings were initiated and finally concluded; the style of the proceedings; and the findings made and actions taken in connection with those proceedings.

- | | Yes | No |
|---|--------------------------|--------------------------|
| (F) ☐ Have you been formally held in contempt or otherwise sanctioned by any court in a written order in the last five years for disobeying its rules or orders? | ☐ | ☐ |

FORM 6 (ND/SD Miss. Dec. 2015)

If the answer was “yes,” describe, as to each such order, the nature of the allegations, the name of the court before which such proceedings were conducted; the date of the contempt order or sanction, the caption of the proceedings, and the substances of the court’s rulings (a copy of the written order or transcript of the oral rulings must be attached to the application).

- (G) Please identify each proceeding in which you have filed an application to proceed pro hac vice in this state within the preceding two years, as follows:

Name and Address of Court	Date of Application	Outcome of Application
------------------------------	------------------------	---------------------------

- (H) Please identify each case in which you have appeared as counsel pro hac vice in this state within the immediately preceding twelve months, are presently appearing as counsel pro hac vice, or have pending applications for admission to appear pro hac vice, as follows:

Name and Address of Court	Style of Case
------------------------------	---------------

FORM 6 (ND/SD Miss. Dec. 2015)

- | | Yes | No |
|--|--------------------------|--------------------------|
| (I) Have you read and become familiar with all of the LOCAL UNIFORM CIVIL RULES OF THE UNITED STATES DISTRICT COURTS FOR THE NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI? | ☐ | ☐ |
| Have you read and become familiar with the MISSISSIPPI RULES OF PROFESSIONAL CONDUCT? | ☐ | ☐ |

- (J) Please provide the following information about the resident attorney who has been associated for this case:

Name and Bar No:

Firm Name:

Office Address:

City: _____ State _____ Zip _____

Telephone: _____ Fax: _____

E-Mail: _____

- (K) The undersigned resident attorney certifies that he/she agrees to the association with Applicant in this matter and to the appearance as attorney of record with Applicant.

Resident Attorney

I certify that the information provided in this Application is true and correct.

Date

Applicant's Handwritten Signature

Unless exempted by Local Rule 83.1(d)(5), the application fee established by this Court must be enclosed with this Application.

FORM 6 (ND/SD Miss. Dec. 2015)

CERTIFICATE OF SERVICE

The undersigned Applicant certifies that a copy of this Application for Admission Pro Hac Vice has been mailed or otherwise served on this date on all parties who have appeared in this case.

This the _____ day of _____, 20____.

Applicant's Handwritten Signature

ANNOTATIONS

N. & S.D. Miss L.U.CIV.R. 83(1)(d)(4)

§ 4-75.5. Report of Mediation — Form 7.

This form can be obtained from the United States District Court,
<http://www.mssd.uscourts.gov/forms>.

FORM 7 (ND/SD Miss. Dec. 2011)

Print Form

Reset Form

UNITED STATES DISTRICT COURT
 CHOOSE : DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO.

DEFENDANT

REPORT OF MEDIATION

The parties in the above-styled and numbered cause engaged in mediation on the ____ day
 of _____, 20 ____ . Counsel for the parties report that:

(✓ as appropriate)

- ☐ 1. The parties reached a compromise settlement of all issues and a complete settlement was reached regarding all pending claims.
- ☐ 2. The parties reached a compromise settlement of some issues and a partial settlement was reached regarding the following claims:
- ☐ 3. The parties were unable to reach a settlement of any claims despite engaging in mediation.
- ☐ 4. The mediation progressed, but was not completed and has been recessed with further mediation to be conducted.
- ☐ (a) On the ____ day of _____, 20 ____, or _____.
- ☐ (b) Via telephone or other means of communication and the parties will advise the court of the result of those communications no later than the ____ day of _____, 20 ____.

Form 7 (ND/SD Miss. Dec. 2011)

☐ 5. The mediation failed to occur or was suspended because one or more of the parties refused to participate in the mediation.

This the _____ day of _____, 20__.

Plaintiff's Counsel

Defendant's Counsel

§ 4-76. Notice, Consent, and Reference of a Civil Action to a Magistrate Judge (AO85).

This form can be obtained from the United States District Court, <http://www.uscourts.gov/sites/default/files/ao085.pdf>.

AO 85 (Rev. 02/17) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge

UNITED STATES DISTRICT COURT

for the

_____	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No.
_____	)	
<i>Defendant</i>	)	

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Printed names of parties and attorneys

Signatures of parties or attorneys

Dates

_____	_____	_____
_____	_____	_____
_____	_____	_____

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

Print

Save As

Reset

§ 4-76A. Notice, Consent, and Reference of a Dispositive Motion to a Magistrate Judge (AO85A).

This form can be obtained from the United States District Court, <http://www.uscourts.gov/sites/default/files/ao085a.pdf>.

AO 85A (Rev. 02/17) Notice, Consent, and Reference of a Dispositive Motion to a Magistrate Judge

UNITED STATES DISTRICT COURT
for the

Plaintiff
v. _____
Defendant

)
)
) Civil Action No.
)
)

NOTICE, CONSENT, AND REFERENCE OF A DISPOSITIVE MOTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings and enter a final order dispositive of each motion. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have motions referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's consideration of a dispositive motion. The following parties consent to have a United States magistrate judge conduct any and all proceedings and enter a final order as to each motion identified below (*identify each motion by document number and title*).

Motions: _____

<i>Printed names of parties and attorneys</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Reference Order

IT IS ORDERED: The motions are referred to a United States magistrate judge to conduct all proceedings and enter a final order on the motions identified above in accordance with 28 U.S.C. § 636(c).

Date: _____

_____ *District Judge's signature*

_____ *Printed name and title*

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

Part 5. Admiralty and Maritime Forms

§ 4-77. Order Directing Issuance of the Process of Attachment and Garnishment, Rule B(3)(a) — Form 1.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 1

UNITED STATES DISTRICT COURT

DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

ORDER DIRECTING ISSUANCE OF THE PROCESS OF ATTACHMENT AND GARNISHMENT, RULE B(3)(a)

In accordance with FRCP Supplemental Rule (B)(1) and L.A.R. (B)(3)(a), the Clerk is directed to issue the summons and process of attachment and garnishment of the property listed below:

SO ORDERED at _____, Mississippi, this _____ day of _____, 20____.

UNITED STATES DISTRICT/MAGISTRATE JUDGE

Order Submitted by:

(Name of Plaintiff's Attorney)

(MS Bar No.)

(Firm Name)

(Mailing Address)

(City, State & Zip Code)

(Telephone No.)

(Facsimile No.)

(E-mail Address)

(Attorney for Plaintiff)

§ 4-78. Process of Attachment and Garnishment, Rule B(1) — Form 2.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 2

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

PROCESS OF ATTACHMENT AND GARNISHMENT, RULE B(1)

TO: The United States Marshal
United States District Court _____ District of Mississippi

The complaint in this action was filed in the _____ Division of this court on
_____, _____.

In accordance with FRCP Supplemental Rule (B) and L.A.R. B(1), you are directed to attach and garnish the property indicated below:

DESCRIPTION

(Describe the property to be attached and garnished in sufficient detail, including location of the property, to permit the United States Marshal to effect the seizure.)

You must also give notice of the attachment and garnishment to every person to whom notice is required by FRCP Supplemental Rule B, L.A.R. A(9) and L.A.R. B(4), as identified below by the plaintiff and any practices of your office.

(List notice parties).

DATED at _____, Mississippi, this ____ day of _____, _____.

CLERK

By: _____
Deputy Clerk

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

§ 4-79. Order for Issuance of Process of Maritime Attachment and Arrest, FRCP Rule C(2)(a) — Form 3.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 3

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

ORDER FOR ISSUANCE OF PROCESS OF MARITIME ATTACHMENT AND ARREST, FRCP RULE C(2)(a)

Upon reading the Complaint and affidavit seeking issuance of process of maritime arrest in this action, and good cause appearing therefor, it is

ORDERED:

That the Clerk issue the process of maritime arrest of the vessel _____, her engines, tackle, boilers, etc. and against all persons having or claiming to have any interest therein, that they be cited to appear and answer under oath all and singular the matters set forth in the Complaint.

That any person claiming an interest in the property arrested may, upon a showing of any improper practice or a manifest want of equity on the part of the Plaintiff, be entitled to an order requiring the Plaintiff to show cause why the arrest should not be vacated or other relief granted; and it is further

That a copy of this Order must be attached to and served with the process of maritime arrest.

This, the ____ day of _____, _____.

 United States District/Magistrate Judge

Order Submitted by:
 (Name of Plaintiff's Attorney)
 (MS Bar No.)
 (Firm Name)
 (Mailing Address)
 (City, State & Zip Code)
 (Telephone No.)
 (Facsimile No.)
 (E-mail Address)

§ 4-80. Warrant for Arrest *In Rem*, L.A.R. C2(a) — Form 4.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 4

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

WARRANT FOR ARREST IN REM, L.A.R. C2(a)

TO THE UNITED STATES MARSHAL
FOR THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF MISSISSIPPI

The complaint in the above-styled *in rem* proceeding was filed in the _____
Division of this Court on _____, 20____.

In accordance with FRCP Supplemental Rule C and L.A.R. C2(a), you are directed both to arrest the defendant vessel, the _____, her tackle, apparel, furniture, engines and appurtenances, should you find her within this district, and to detain her in your custody pending further order of the court.

You must also give notice of the arrest to all persons upon whom notice is required by FRCP Supplemental Rule C(4), L.A.R. C(4), as designated below by the plaintiff and the practices of your office.

(List notice requirements).

SO ORDERED, at _____, Mississippi, this _____ day of _____,
20____.

CLERK
By: _____
Deputy Clerk

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)

(Attorney for Plaintiff)
cc: Counsel of Record

§ 4-81. Notice of Arrest of Vessel and Notice for Claims — Form 5.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 5

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF**VS.****CIVIL ACTION NO. _____****DEFENDANT****NOTICE OF ARREST OF VESSEL AND NOTICE FOR CLAIMS**

In accordance with FRCP Supplemental Rule C(4), and L.A.R. C(4), notice is hereby given of the arrest of the _____, her engines, tackle, apparel and appurtenances in accordance with a Warrant for Arrest issued on _____.

Under FRCP Supplemental Rule C(6)(a), and L.A.R. C(6), any person asserting either a right to possess or ownership of the vessel or property must file a Claim of ownership with the court not later than fourteen (14) days after process has been executed, and shall file an answer within twenty-one (21) days from the date of filing his/her/its claim.

DATED at _____, Mississippi, this _____ day of _____, _____.

SIGNED NAME OF PLAINTIFF=S ATTORNEY

(Name of Plaintiff's Attorney)

(MS Bar No.)

(Firm Name)

(Mailing Address)

(City, State & Zip Code)

(Telephone No.)

(Facsimile No.)

(E-mail Address)

(Attorney for Plaintiff)

cc: Counsel of Record

§ 4-82. Motion for Publication of Notice of Attachment, Rule C(4) — Form 6.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM No. 6

UNITED STATES DISTRICT COURT
 _____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

MOTION FOR PUBLICATION OF NOTICE OF ATTACHMENT, RULE C(4)

COMES NOW plaintiff and moves the court for an order directing the Clerk to publish notice of this action; of defendant's last known address as _____, addressee having left with no forwarding address; and of maritime attachment and garnishment of _____ [description of property attached], in the hands of _____ [party in whose hands attachment laid]. With said notice to be published in the _____ as a newspaper of general circulation in the district once a week for three successive weeks. Also, said notice to specify that all persons claiming either the right to possess or ownership of the property or having anything to say why it should not be condemned and sold to satisfy the demand of plaintiff must serve and file a claim of owner pursuant to FRCP Supplemental Rule C(6)(a)(i)(iii) and an answer to the complaint on or before twenty-one (21) days after filing his Claim of Owner, whichever is later.

 (Name of Plaintiff's Attorney)
 (MS Bar No.)
 (Firm Name)
 (Mailing Address)
 (City, State & Zip Code)
 (Telephone No.)
 (Facsimile No.)
 (E-mail Address)

(Attorney for Plaintiff)

§ 4-83. Order for Publication of Arrest, FRCP Supplemental Rule C(4) — Form 7.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM No. 7

UNITED STATES DISTRICT COURT

DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

ORDER FOR PUBLICATION OF ARREST, FRCP SUPPLEMENTAL RULE C(4)

On motion of the plaintiff, it is hereby

ORDERED

that the Clerk publish notice of this action and of the arrest of the _____ in the form attached as Exhibit A to the Plaintiff's Motion for Order for Publication. Such notice will be deemed notice to any adverse party or parties upon whom notice is required by FRCP Supplemental Rule C(4).

United States District/Magistrate Judge**Order Submitted by:**

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

§ 4-84. Notice to clerk of Publication of Notice of arrest in Newspaper of General Circulation, Rule C(4) — Form 8.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM No. 8

**UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI**

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

**NOTICE TO CLERK OF PUBLICATION OF NOTICE OF ARREST IN
NEWSPAPER OF GENERAL CIRCULATION, RULE C(4)**

To: The Clerk of the United States District Court for the _____ District of Mississippi:

The following notice was published in the _____, a newspaper of general circulation in this district, on _____, 20____; _____, 20____; _____; 20____; and _____, 20____.

Notice is hereby given that on _____, The United States Marshall arrested the vessel _____ while afloat at _____ in _____ within the jurisdiction of this court pursuant to an Order of this court and a Warrant for Arrest issued by the clerk of this court upon the filing of a Verified Complaint in the above action. Any person having or claiming an interest in or to the property must file his/her claim within 14 days after publication of this notice, and must file his/her answer to the complaint herein within 21 days thereafter.

/s/

United States Marshal

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

§ 4-85. Letter of Undertaking — Form 9.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 9

DISTRICT OF MISSISSIPPI
UNITED STATES DISTRICT COURT

IN THE MATTER OF THE COMPLAINT
OF _____, owner AND/OR
owner *pro hac vice* of the _____
FOR EXONERATION FROM OR LIMITATION
OF LIABILITY

CIVIL ACTION NO.:

LETTER OF UNDERTAKING

The undersigned underwriters hereby certify that the below listed insurance companies are insurers and underwriters of _____, the owner and/or owner *pro hac vice* of the M/V _____ in the amounts and at the percentages designated below and that their policies are in full force and effect providing Protection and Indemnity insurance coverage on behalf of complainants, and the M/V _____ on _____ (date of loss), when an alleged casualty occurred, which is the subject of a Limitation of Liability Action filed in the United States District Court for the _____ District of Mississippi. The undersigned further certify that they are fully authorized to submit this Letter of Undertaking.

This Letter of Undertaking is given in consideration of the claimant(s) refraining from arresting the M/V _____ and refraining from attaching, arresting or otherwise restraining any asset under the same ownership, associated ownership, control and/or management as the M/V _____ because of claims for damages sustained on or about _____ (date of loss), as a result of the alleged casualty captioned above.

In the event a final judgment (after appeal, if any) is entered in favor of the claimant(s) against the M/V _____ and complainants, then Underwriters agree to pay and satisfy their respective share, in accordance with and strictly subject to the terms, conditions and limits of their insurance policies, up to and not exceeding the aggregate total sum of _____ DOLLARS of compensatory damages, inclusive of interest and costs in any said final decree, or any lesser amount decreed by the court or settled between the parties, where the settlement has been made with the approval of the Underwriters without any final decree being rendered.

It is understood and agreed between the parties to this undertaking that the aggregate total sum of _____ DOLLARS can be reduced by the agreement of the parties or, failing said agreement, by Order of the court during the pendency of this obligation.

It is the intention of this undertaking and guarantee that it be substitute security in lieu of a corporate surety bond, as though the M/V _____ had been arrested under process issued by the United States District Court for the _____ District of Mississippi, and had been released upon the filing of appropriate security on _____ (date of loss), reserving on behalf of the vessel, her owners and underwriters, all their defenses, including, but not limited to, denial of all liability for the claimant'(s)' damages, as well as M/V _____ owner's and underwriters' right to petition for exoneration from or limitation of liability. Upon demand, the undersigned agree to cause a bond with approved corporate surety to be filed, in an amount to be agreed upon or fixed by the court, not to exceed _____ DOLLARS, with six percent (6%) per annum interest to satisfy all the statutory requirements in limitation actions. In no event,

however, will the Underwriters be responsible for payments in excess of the available limits of their respective insurance policy(ies). In the event that the bond referred to in this paragraph is filed, the undersigned insurers will have no further obligation under this Letter of Undertaking.

Notwithstanding any of the foregoing, the respective liability of the Underwriters pursuant to this letter of undertaking will not exceed their percentage of \$_____, the limits of the policy to which the Underwriters subscribe, and will be strictly subject to the terms, limits, and conditions of the insurance policy, including their respective percentages. The liability of the Underwriters pursuant to this letter of undertaking will not exceed the respective portion of _____ DOLLARS. All subscribing underwriters' obligations under the policies to which they subscribe are several and not joint and are limited solely to the extent of their individual subscriptions. These subscribing underwriters are not responsible for the subscription of any co-subscribing underwriter who for any reason does not satisfy all or part of its obligations.

This letter is to be binding whether the M/V _____ is lost at sea or not lost, in port or not in port, and is given without prejudice to any rights or defenses which the M/V _____, or her owner or owner *pro hac vice*, or Underwriters may have under any applicable law or statute, none of which are to be regarded as waived. The giving of this letter of undertaking is not to be deemed or taken to be or accepted as an admission of liability on behalf of the M/V _____ or owner or those interested in her.

IN WITNESS WHEREOF, Underwriters have caused these presents to be duly executed on their behalf by the undersigned through the duly authorized representatives of _____ in the following respective percentages: _____

Respectfully submitted this ____ day of _____, ____.

BY: Law Firm

By: _____
Attorneys names
Attorneys In Fact for Underwriters

Respectfully submitted,

BY: Insurer A.

By: _____
Insurer A's representative
Title

BY: Insurer B.

By: _____
Insurer B's representative
Title

BY: Insurer C.

By: _____
Insurer C's representative
Title

§ 4-86. Claim of Owner, FRCP Supplemental Rule C(6) — Form 10.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM No. 10

UNITED STATES DISTRICT COURT
 _____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

CLAIM OF OWNER, FRCP SUPPLEMENTAL RULE C(6)

_____ intervenes for itself as owner of the vessel _____ and makes claim to the _____, her tackle, engines, equipment and furnishings, as they are arrested at the instance of _____, the plaintiff. The claimant was at the time the complaint was filed, and still is, the true and bona fide sole owner of the vessel and no other person is the owner thereof.

Respectfully submitted,

[Owner]

By _____
 [Title of officer or status of person
 executing, i.e., agent or attorney]

Attorney for Claimant

STATE OF _____
 COUNTY OF _____

_____, being duly sworn, deposes and says:

I am the _____ of the claimant described in foregoing Claim of Owner. I have read the Claim of Owner and know the contents thereof, and the same are true to my own knowledge, except as to matters therein stated to be upon information and belief, and as to those matters, I believe them to be true.

[Name]

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

§ 4-87. Claim to Cargo – Ex MV Vessel FRCP Supplemental C(6) — Form 11.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM No. 11

UNITED STATES DISTRICT COURT
DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

CLAIM TO CARGO - EX MV VESSEL FRCP SUPPLEMENTAL C(6)

_____ by _____, its attorneys, intervenes for itself as owner of the cargo arrested at the instance of _____ Corporation. Claimant was at the time the Complaint was filed, and still is, the owner of the cargo and entitled to possession of it.

Respectfully submitted,

Attorney for Claimant

Corporation By

[Title of officer or status of person executing,
i.e., agent or attorney]

STATE OF _____
COUNTY OF _____

_____ being duly sworn, deposes and says:

I am the _____ of the claimant described in foregoing Claim of Owner. I have read the Claim of Owner and know the contents of it, and the same are true to my own knowledge, except as to matters which I believe to be true.

[Name]

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

§ 4-88. Stipulation for Value, FRCP Supplemental Rule E(5) — Form 12.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM No. 12

UNITED STATES DISTRICT COURT
 _____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

STIPULATION FOR VALUE, FRCP SUPPLEMENTAL RULE E(5)

Under FRCP Supplemental E(5), the parties have agreed for _____, through its attorney-in-fact, to submit itself to the jurisdiction of this court, acknowledges itself to be bound in the sum of _____, with interest at the rate of _____ percent _____ per annum from this date, on behalf of the claimant of vessel _____ to the plaintiff, _____, and agrees to abide by and fulfill the final judgment of this court and, in case of an appeal from final judgment, then the final judgment of the United States Court of Appeals for the Fifth Circuit and, in case of an appeal or *certiorari* granted from final judgment of the Fifth Circuit, then the final judgment of the Supreme Court of the United States in this action. If _____ fails to honor the judgment, it consents that summary process of execution may issue against it, its goods, chattels, land and tenements wherever found or to be found.

This, the ____ day of _____, _____.

WITNESS:

[Name of Corporate Surety]

By: _____ [Seal]

Attorney-in-fact

The foregoing Stipulation is approved as to form and amount.

 Attorney for Plaintiff

§ 4-89. Bond Agreement – Substitution of Security for Attachment of Vessel, FRCP Supplemental E(5) — Form 13.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM No. 13

**UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI**

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

**BOND AGREEMENT - SUBSTITUTION OF SECURITY FOR
ATTACHMENT OF VESSEL, FRCP SUPPLEMENTAL E(5)**

A complaint has been filed in this court by _____ against the vessel _____, her engines, tackle, furniture and apparel, *in rem*, and against _____, a corporation, as owner of the vessel, *in personam*. The parties agree to the substitution of other security for the arrest or attachment of the vessel as follows:

_____ as principal and _____, as Surety, are held and firmly bound unto _____ in the sum of _____ (\$_____) Dollars to the use of the said _____ in this action.

The condition of this obligation is such that if the plaintiff, _____, obtains a final judgment or award against the vessel _____, her engines, etc., *in rem*, _____ must satisfy that judgment or award together with interest and costs. If _____ fails to do so, _____ will stand for _____, but not to exceed the above sum, then this obligation will become void, otherwise to remain in full force and effect.

This bond is further subject to the general conditions of the surety bond attached to this agreement and incorporated herein by reference.

Dated this _____ day of _____, 20____.

Principal

-and-

Surety

§ 4-90. Order Fixing Bond and Directing that Attachment (Process *In Rem*) Be Dissolved Upon Filing of Such Bond, FRCP Supplemental E(5) — Form 14.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM No. 14

UNITED STATES DISTRICT COURT

DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

**ORDER FIXING BOND AND DIRECTING THAT ATTACHMENT (PROCESS IN REM)
BE DISSOLVED UPON FILING OF SUCH BOND, FRCP SUPPLEMENTAL E(5)**

Upon the stipulation of counsel for _____, plaintiff, and counsel for _____, defendant, to the amount of bond to be filed in this action, pursuant to _____ [state attachment rule], for the purpose of dissolving the attachment (process *in rem*) issued hereunder it is

ORDERED:

a) That the amount of bond to be filed by the defendant is hereby fixed as the sum of _____ (\$ _____); and

b) Upon filing of a bond in the amount of _____ (_____) with good and sufficient Surety approved by the court, the attachment (process *in rem*) in this action will be dissolved and the case will proceed in ordinary course.

Dated: _____

United States District/Magistrate Judge

The above Order is hereby stipulated to and agreed upon:

Attorney for Plaintiff

Attorney for Defendant

§ 4-91. Motion for Release of a Vessel or Property in Accordance with FRCP Supplemental Rule E(5) — Form 15.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 15

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

MOTION FOR RELEASE OF A VESSEL OR
PROPERTY IN ACCORDANCE WITH FRCP SUPPLEMENTAL RULE E(5)

In accordance with FRCP Supplemental E(5) and L.A.R. E(8)(b), plaintiff, on whose behalf property or the vessel named _____ has been seized, moves the court to enter an Order directing the United States Marshal for the _____ District of Mississippi to release the property or the vessel named _____. This request is made for the following reasons:

(Describe the reasons in sufficient detail to permit the Court to enter an appropriate order)

DATED at _____, Mississippi, this the _____ day of _____, 20____.

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

cc: Counsel of Record

§ 4-92. Order Directing the Release of a Vessel or Property in Accordance with FRCP Supplemental E(5) — Form 16.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 16

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

**ORDER DIRECTING THE RELEASE OF A VESSEL OR PROPERTY
IN ACCORDANCE WITH FRCP SUPPLEMENTAL E(5)**

Plaintiff has moved under FRCP Supplemental E(5) and L.A.R. E(8)(a), to release the _____. The court, being fully advised in the premises, particularly _____, finds the Motion to Release is well taken and should be **GRANTED**, hereby **ORDERS** the United States Marshal to release the vessel _____ and/or property currently being held in his custody in this action to its rightful owner, with a receipt for the vessel or property to be filed with the clerk.

This, the _____ day of _____, 20____.

UNITED STATES DISTRICT MAGISTRATE/JUDGE

The Request for Release of Plaintiff _____ filed.

Order and Submitted by:
(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

cc: Counsel of Record

§ 4-93. Application for Appointment of Substitute Custodian, FRCP Supplemental E(C) — Form 17.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 17

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS. CIVIL ACTION NO. _____

DEFENDANT

APPLICATION FOR APPOINTMENT OF SUBSTITUTE CUSTODIAN, FRCP
SUPPLEMENTAL E(C)

Plaintiff _____ (A _____ @ _____) applies for appointment of _____, _____, _____, as substitute custodian for _____, Official No. _____, owned by _____. As grounds for the motion, Plaintiff states as follows:

1. The United States Marshal for the _____ District of Mississippi has been directed by the clerk of this court to seize _____, Official No. _____, pursuant to a warrant for arrest issued by the clerk. The Marshal expects soon to be in custody of such _____, which is currently located at _____. The United States Marshal for the _____ District of Mississippi has no facilities for the custody or fleeing of this _____, and a substitute custodian will be required.

2. _____ has facilities for fleeing and custody of the _____, and is willing to act as substitute custodian for it at a rate of \$ _____ per day.

Plaintiff _____ requests that the court appoint _____ as substitute custodian of _____, Official No. _____ until further order, to become effective after the United States Marshal has seized the _____ and has conducted an inventory of the _____.

RESPECTFULLY SUBMITTED, this _____ day of _____, _____.

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)

(Attorney for Plaintiff)

cc: Counsel of Record

§ 4-94. Consent and Indemnification Agreement for the Appointment of a Substitute Custodian — Form 18.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 18

UNITED STATES DISTRICT COURT _____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

CONSENT AND INDEMNIFICATION AGREEMENT FOR THE APPOINTMENT OF A SUBSTITUTE CUSTODIAN

Plaintiff _____, (by the undersigned attorney) and _____, the proposed Substitute Custodian, hereby expressly release the United States Marshal for this district and the United States Marshal's Service, from any and all liability and responsibility for the care and custody of _____ (describe property) while in the hands of _____ (substitute custodian).

Plaintiff and _____ (substitute custodian) also expressly agree to hold the United States Marshal for this district and the United States Marshal's Service harmless from all claims whatsoever arising during the period of the substitute custodianship.

As counsel of record in this action, the undersigned attorney represents that he has been expressly authorized by the plaintiff to sign this Consent and Indemnification Agreement for and on behalf of the plaintiff.

This, the _____ day of _____, 20____, at _____, Mississippi.

PLAINTIFF'S ATTORNEY

Typed Name
MS Bar ID No.
Firm or Business Name
Mailing Address
City, State, Zip Code
Telephone No.
Facsimile No.
E-Mail Address

SUBSTITUTE CUSTODIAN

Typed Name
Mailing Address
City, State, Zip Code
Telephone No.
Facsimile No.
E-Mail Address

cc: Counsel of Record

§ 4-95. Order Appointing Substitute Custodian, Rule E(4)(d) — Form 19.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 19

**UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI**

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

ORDER APPOINTING SUBSTITUTE CUSTODIAN, RULE E(4)(d)

Plaintiff, _____, by and through its attorneys, having appeared and made the following recitals:

1. Plaintiff filed a complaint in this action on _____, 20____, asking that the vessel _____, her engines, tackle, apparel, furniture, equipment and all other, necessities thereunto appertaining and belonging, be arrested and, upon entry of judgment, be condemned and sold to pay plaintiff's demands and claims and for other proper relief.

2. On _____, 20____, the Clerk of Court issued a Warrant for Arrest of Vessel commanding the United States Marshal for this district to arrest and take into custody the defendant vessel and to detain the same in his custody until further Order.

3. [The United States Marshal has seized the vessel.] [It is contemplated that the United States Marshal will seize the defendant vessel immediately.] Custody by the United States Marshal requires the services of one or more keepers and includes charges for wharfage and the other services usually associated with the safekeeping of vessels similar to the defendant vessel.

4. The defendant vessel is currently berthed at _____. _____ has agreed to assume the responsibility of safekeeping the vessel and has consented to act as her Substitute Custodian until further Order of this court, all for a sum, including wharfage and routine services required for the safe-keeping of the particular vessel, at a rate of \$_____ per _____. The United States Marshal is unable to perform or to have performed at a comparable rate these same services. Additional services to be performed by _____ will include, e.g., towage, which services will be performed at a separate cost not to exceed \$_____. The above charges are to be advanced to the United States Marshal by the plaintiff at least 24 hours after notification by the United States Marshal that the charges will be incurred. In any case, the transfer of the defendant vessel to the substitute custodian for safekeeping will not be effected until all such charges have been paid by the plaintiff.

5. [substitute custodian], by, affidavit represents that _____ has adequate

facilities and supervision for the proper safekeeping of the vessel and that _____ has insurance coverage [*name the insurance and amount of insurance*] or assets adequate to respond to damage to the defendant vessel or for damages sustained by third parties proximately caused by any acts, faults, or negligence by the substitute custodian. The substitute custodian will accept, in accordance with the terms of this Order, possession of the defendant vessel, her engines, tackle, apparel, furniture, equipment and all other necessities thereunto appertaining and belonging, which are the subject of this action.

6. Plaintiff _____, in consideration of the United States Marshal's consent to the substitution of custody, agrees to release the United States Marshal and the United States Marshal's Service from all liability and responsibility arising out of care and custody of the defendant vessel, her engines, tackle, apparel, furniture, equipment and all other necessities thereunto appertaining and belonging, from the time the United States Marshal transfers possession of the vessel over to the substitute custodian, and the plaintiff further agrees to hold harmless and indemnify the United States Marshal and the United States Marshal's Service from any and all claims whatsoever arising out of the substitute custodian's possession and safe-keeping.

THEREFORE, IT IS HEREBY ORDERED that the United States Marshal for _____ is authorized and directed, (forthwith) (upon his seizure of the defendant vessel, her engines, tackle, apparel, furniture, equipment and all other necessities thereunto appertaining and belonging, pursuant to said Warrant for Arrest) to surrender possession of them to the substitute custodian named herein, and upon surrendering them, the United States Marshal will be discharged from his duties and responsibilities for the safekeeping of the vessel and held harmless from all claims arising whatever out of substituted possession and safe-keeping.

_____ is hereby appointed substitute custodian of the vessel to retain the it in its custody for possession and safekeeping for the above compensation until further Order of this court.

All expenses for the safekeeping of defendant vessel will be deemed administrative expenses of the United States Marshal.

Plaintiff's attorney will serve a copy of said order upon the owner of defendant vessel, pursuant to _____.

Dated: _____

United States District/Magistrate Judge

§ 4-96. Request for Confirmation of Sale, FRCP Supplemental E(9) — Form 20.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 20

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

REQUEST FOR CONFIRMATION OF SALE, FRCP SUPPLEMENTAL E(9)

Plaintiff, by and through its undersigned attorney certifies the following:

(1) *Date of Sale*: In accordance with the court's previous Order of Sale, plaintiff represents that the sale of _____ (describe property) was conducted by the United States Marshal on _____, 20____.

(2) *Last Day for Filing Objections*: Under L.A.R. E(17)(g)(1), the last day for filing objections to the sale was _____, _____.

(3) *Survey of Court Records*: Plaintiff has surveyed the docket and records of this case, and has confirmed that as of _____, 20____, there were no objections to the sale on file with the Clerk of Court.

Plaintiff therefore requests the Clerk to enter a Confirmation of Sale and to transmit the confirmation to the United States Marshal for processing.

This, the _____ day of _____, 20_____.

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

cc: Counsel of Record

§ 4-97. Confirmation of Sale, Rule E(9) — Form 21.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 21**UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI****PLAINTIFF****VS.****CIVIL ACTION NO. _____****DEFENDANT****CONFIRMATION OF SALE, RULE E(9)**

The records in this action indicate that no objection has been filed to the sale of property conducted by the U.S. Marshal on _____, 20____.

THEREFORE, in accordance with L.A.R. E(17)(f), the sale stands confirmed as of _____, 20____.

This, the _____ day of _____, 20____.

CLERK**By:**_____
Deputy Clerk

§ 4-98. Affidavit of _____, FRCP Supplemental F(1) — Form 22.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 22

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

AFFIDAVIT OF _____, FRCP SUPPLEMENTAL F(1)

STATE OF _____

COUNTY OF _____

_____, after being duly sworn by me, states on oath as follows:

1. I am and have been for _____ years a marine surveyor and marine appraiser and am currently employed by _____ as a marine surveyor. As such, I have made inspections and valuations of vessels and barges as part of my job as a marine surveyor. I am familiar with the market value of _____ vessels, including _____ vessels and performing of market value surveys on them.

2. I examined the _____, Official Number _____, At the time of my examination, the _____ was in full service. I performed a market value survey on the _____, and it is my opinion that the market value of the vessel immediately after the incident on _____, was _____ and no/100 Dollars (\$_____).

SWORN TO AND SUBSCRIBED BEFORE ME this the _____ day of _____, 20____.

Notary Public

My Commission Expires:

§ 4-99. Ad Interim Stipulation for Value, FRCP Supplemental F(1) — Form 23.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 23

UNITED STATES DISTRICT COURT _____, DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

AD INTERIM STIPULATION FOR VALUE, FRCP SUPPLEMENTAL F(1)

_____, a corporation, as owner and operator of the M/V _____, has filed a Complaint for exoneration from, or limitation of its liability as owner and operator, with respect to demands arising out of a casualty which occurred on or about _____, on the _____ River at or near Mile _____ in the vicinity of _____, and the consequent damage. Plaintiff asks, among other things, that the court order due appraisement to be made of the amount or value of its interest in the vessel and its pending freight, if any, and that a notice issue to all persons claiming damage for loss, damage, expense, or injury by, or resulting from the accident, directing them to appear before the commissioner to be appointed by the court, and make due proof of their claims, and to answer the complaint. Plaintiff requests that an injunction issue restraining the commencement or prosecution of all actions, claims or proceedings, except in compliance with the provisions of a monition granted herein.

Plaintiff wishes to prevent the commencement or prosecution of all suits, actions or legal proceedings of any nature in any other court and wishes to provide an ad interim stipulation for value as security for claimants pending the determination by reference of the amount of plaintiff's interest in the vessel and its pending freight, if any.

Accordingly, plaintiff and _____, Surety, having an office and place of business at _____, hereby undertake in the sum of _____ AND NO/100 (\$ _____) DOLLARS, with interest at six (6%) percent per annum from the date the complaint was filed, that the plaintiff will pay into the court within fourteen days after the entry of an order confirming the report of the commissioner, the amount or value of its interest as determined by the commissioner, or will file a bond or stipulation for value in that amount. This ad interim stipulation will stand as security for all claims in the limitation proceeding. Surety hereby submits itself to the jurisdiction of the court and agrees to abide by all orders of the court, interlocutory and final, and to pay the amount awarded by the final judgment rendered by this court or by an appellate court if appealed, to the extent of \$ _____, with interest at six (6%) percent per annum from the date the complaint was filed, unless plaintiff in the meantime pays into court the amount or value of the plaintiff's interest in the vessel and its pending freight or a stipulation for value is given, in which event this ad interim stipulation will be void.

Principal

BY: _____

Surety

BY: _____

STATE OF _____
COUNTY OF _____

On the _____ day of _____, 20_____, before me appeared _____, to me personally known, who after being first duly sworn, did state that he is the _____ of _____, a corporation organized under the laws of the State of _____, and is authorized to execute the foregoing document as agent for and on behalf of _____, and acknowledged said instrument to be the free act and deed of the said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal on the day and year first above written.

NOTARY PUBLIC

My Commission Expires:

STATE OF _____
COUNTY OF _____

On the _____ day of _____, 20_____, before me appeared _____, to me personally known, who after being first duly sworn, did state that he read the foregoing Ad Interim Stipulation for Value and understands the contents thereof, and has executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal on the day and year first above written.

NOTARY PUBLIC

My Commission Expires:

§ 4-100. Order for Ad Interim Stipulation and Enjoining of Suits, FRCP Supplemental F(1) — Form 24.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 24

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

ORDER FOR AD INTERIM STIPULATION AND ENJOINING OF SUITS, FRCP SUPPLEMENTAL F(1)

The above named Plaintiff, having on _____, 20____, filed its Complaint for Exoneration From or Limitation of Liability with respect to any loss, damage, injury or destruction arising out of an incident occurring on _____, and thereafter; and said Plaintiff having stated in said Complaint the facts and circumstances upon which said exoneration from or limitation of liability was claimed, and having prayed therein for an appraisal of its interest in the M/V _____ and her pending freight, if any, and for leave to file a stipulation for the amount of said appraised value or, pending said appraisal, an Ad Interim Stipulation; and said appraisal not yet having been had, and it appearing that the Plaintiff's desire, pending said appraisal, is to give an Ad Interim Stipulation and to obtain a restraining order;

NOW, on the proceedings heretofore had herein, and on reading the affidavits ~~on~~ of _____ and _____ of _____, which affidavits have been duly filed in this proceeding, and from which it appears that the value of the Plaintiff's interest in the M/V _____ and her pending freight on the day immediately following said incident did not exceed the sum of \$ _____; and

On reading and filing the Ad Interim Stipulation for Value duly executed on _____, 20____, by the Plaintiff, as principal and by _____, as surety, in the sum of \$ _____, with interest at six (6%) percent per annum from the date of the filing of the Complaint, undertaking to pay into Court, within ten days after the entry of an order herein appraising the value of Plaintiff's interest in the said vessel and in her pending freight, the amount so fixed, or within said time to file in this Court a Stipulation for Value in the usual form and with proper surety in said amount, and that pending such payment into Court or giving of the Stipulation, this Ad Interim Stipulation shall stand as security in said proceeding;

NOW, on Motion of [FIRM'S NAME], _____, attorney _____ for the Plaintiff, it is

ORDERED that said Ad Interim Stipulation be, and the same hereby is approved;

and it is

FURTHER ORDERED that the execution and filing of said Ad Interim Stipulation shall be without prejudice to the due appraisal of the Plaintiff's said interest under the order of this Court and that; on the filing of the report of the Commissioner to appraise, and upon the determination by the Court of any exceptions thereto, any party may have leave to apply to have the amount of said Stipulation increased or diminished as the Court may direct; and it is

FURTHER ORDERED that the further prosecution of any pending actions, suits or legal proceedings in any Court wheresoever or the institution and prosecution of any suits, actions or legal proceedings of any nature or description whatsoever in any Court wheresoever, against the M/V _____ or against Plaintiff, as the owner, operator and/or charterer of the M/V _____ with respect to any claim arising out of or connected with the incident occurring _____ (*facts as pled in Complaint*) thereafter, be and the same hereby are stayed and restrained until the hearing and determination of this proceeding; and it is

FURTHER ORDERED that service of this Order as a Restraining Order within this district be made in the usual manner and in any other district of the United States by service of process pursuant to FRCP 4, of a certified copy of this Order to the person or persons to be restrained, or by mailing first class, postage prepaid a true and correct copy of this Order to their respective attorneys, proctors or representatives.

ORDERED, this _____, day of _____, 20_____.

UNITED STATES DISTRICT/MAGISTRATE JUDGE

Submitted by:

Counsel for Plaintiff

§ 4-101. Order for Notice, FRCP Supplemental F(4) — Form 25.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 25

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF**VS.****CIVIL ACTION NO. _____****DEFENDANT****ORDER FOR NOTICE, FRCP SUPPLEMENTAL F(4)**

On the ore tenus motion of Plaintiff, _____, appearing through undersigned counsel, and on suggesting to the Court that Plaintiff desires the issuance of notice pursuant to the provisions of FRCP Supplemental F(4);

IT IS ORDERED that notice be given to all persons asserting any claims with respect to the accident occurring on or about _____, when (*facts related to incident*). The incident apparently resulted in damages to _____. The Court further admonishes all such parties to file their respective claims with the Clerk of this Court and to serve on the attorneys of the Plaintiff as listed below, a copy thereon on or before _____, 20____.

It is further ordered that such notice be published in the _____ once a week for four (4) successive weeks with the last publication being at least thirty (30) days prior to the date fixed hereinabove for the filing of claims.

DONE AT _____, _____, this _____ day of _____, 20____.

 UNITED STATES DISTRICT/MAGISTRATE JUDGE

[FIRM'S NAME & ADDRESS]

BY: _____

§ 4-102. Notice of Filing of Complaint for Exoneration From or Limitation of Liability, Rule F(4) — Form 26.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 26

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

NOTICE OF FILING OF COMPLAINT FOR
EXONERATION FROM OR LIMITATION OF LIABILITY, RULE F(4)

NOTICE IS HEREBY GIVEN that _____ has filed a Complaint pursuant to Title 46, U.S.C. '33501, et seq., and the various statutes, rules and regulations supplemental thereto, and amendatory thereof, claiming the right to exoneration from or limitation of liability for all claims arising out of a casualty or incident occurring on or about _____, 20_____, on *(facts as pled in Complaint)*.

All persons having such claims must file them as provided by FRCP Supplemental Rule F with the Clerk of this Court at _____ and serve on or mail to Plaintiff's attorneys, _____, of [FIRM=S NAME AND ADDRESS], a copy thereof on or before the _____ day of _____, 20_____, or be defaulted.

Personal attendance is not required.

Any claimant desiring to contest the claims of Plaintiff must file an answer to said Complaint, as required by FRCP Supplemental Rule F(4) and (5) and serve or mail the Plaintiff's attorneys a copy thereof.

DATED, this _____ day of _____, 20_____.

_____, CLERK
UNITED STATES DISTRICT COURT

BY: _____, D.C.

§ 4-103. Claim — Form 27.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 27

IN THE UNITED STATES DISTRICT COURT
 _____ DISTRICT OF MISSISSIPPI
 _____ DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CIVIL ACTION NO. _____

DEFENDANT

CLAIM

The undersigned claimant, _____, files this claim in response to the Notice of Forfeiture filed by the United States in the above styled cause, and asserts the following under penalty of perjury:

_____, claimant, has an interest in the property alleged to be subject to forfeiture by the United States, more particularly described as _____, which either existed prior to the accrual of the interest asserted by the United States, or was acquired, for value, after the accrual of the interest asserted by the United States without notice to the claimant that the defendant property was subject to forfeiture to the United States.

The claimant's interest in the subject property is more particularly described as follows:

SIGNATURE OF CLAIMANT

A copy of this claim has been served on the attorney designated by the government, in compliance with FRCP Supplemental G(5)(a)(i)(D).

Sworn to and subscribed before me under penalty of perjury, this the ____ day of _____, 20__.

/ _____
(NOTARY)

§ 4-104. Affidavit — Form 28.

This form can be obtained from the United States District Court for the Northern & Southern Districts of Mississippi, <http://www.msnd.uscourts.gov> or <http://www.mssd.uscourts.gov>.

FORM NO. 28

IN THE UNITED STATES DISTRICT COURT
 _____ DISTRICT OF MISSISSIPPI
 _____ DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CIVIL ACTION NO. _____

DEFENDANT

AFFIDAVIT

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, personally came and appeared:

_____, who, after being duly sworn, did depose and say that:

1. He/she has personally conducted a diligent inquiry in order to determine whether or not the defendant(s) in this action, _____, can be found within this District;
2. He/she has reviewed local telephone directories and called the telephone directory assistance service, searched the Mississippi Secretary of State's official corporate database website, and has conducted a multi-state comprehensive electronic search of all states; and
3. Based upon the results of the inquiries here and above mentioned, to the best of his/her knowledge, information and belief, the defendant cannot be found within the county within the meaning of FRCP Supplemental Rule B.

SWORN TO AND SUBSCRIBED

BEFORE ME THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC

My Commission Expires:

Part 6. Administrative Procedures for Electronic Case Filing

§ 4-105. Case Management/Electronic Case Filing Attorney Registration — Form 1.

This form can be obtained from the United States District Court for the Northern District of Mississippi, <https://www.msnd.uscourts.gov/sites/msnd/files/forms/Adm%20Procedures%20NDMS%20-%20Revised%20Dec%202018.pdf>

**United States District Court
Northern District of Mississippi**

**Case Management/Electronic Case Filing
Attorney Registration Form**

This form will be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF) system. Registered attorneys will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the CM/ECF system. The following information is required for registration:

First/Middle/Last Name _____

Last four digits of Social Security Number _____

Are you admitted to practice and in good standing in the Northern District of Mississippi? _____

Mississippi Bar # _____ Type: Initial _____ Reissue Password _____

Pro Hac: _____ Pro Hac Case No. _____

Firm Name: _____

Primary Address: _____

Voice Phone Number _____

FAX Phone Number _____

Internet E-Mail Address: Primary: _____

Secondary _____

Secondary _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This system is for use only in cases permitted by the U.S. District Court for the Northern District of Mississippi. It may be used to file and view electronic documents, docket sheets, and notices.

2. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion, and other paper (except list, schedules, statements or amendments thereto) will be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers will be signed by the party. An attorney's password issued by the court combined with the user's identification, serves as and constitutes the attorney signature. Therefore, an attorney must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The attorney should change the password immediately.
3. An attorney's registration will constitute a waiver of conventional service of documents, the attorney agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.
4. The undersigned attorney agrees to abide by the most recent General Orders, Administrative Procedures for Electronic Case Filing, and all technical and procedural requirements set forth therein.

Please return to : David Crews, Clerk
 U.S. District Court
 Northern District of Mississippi
 911 Jackson Avenue, Suite 369
 Oxford, MS 38655
 Attention: CM/ECF Registration

Applicant's Signature

Initial of First Name + Last Name + Last 4 Digits SS#

Form 1

§ 4-106. Notice of Endorsement — Form 2.

This form can be obtained from the United States District Court for the Northern District of Mississippi, <https://www.msnd.uscourts.gov/sites/msnd/files/forms/Adm%20Procedures%20NDMS%20-%20Revised%20Dec%202018.pdf>

SAMPLE FORMAT

*IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
DIVISION*

_____	)	
	)	
Plaintiff(s).	)	
	)	
vs.	)	Case No. _____
	)	
_____	)	
	)	
Defendant(s).	)	

NOTICE OF ENDORSEMENT

Pursuant to the ECF Administrative Procedures, I hereby certify that I endorse the inclusion of my signature on the following document [for example: stipulation of dismissal, or joint motion] which was filed electronically on _____:

(Title of document)

Attorney for (Plaintiff or Defendant)
Address: _____

Date: _____

§ 4-107. Certificate of Service — Form 3.

This form can be obtained from the United States District Court for the Northern District of Mississippi, <https://www.msnd.uscourts.gov/sites/msnd/files/forms/Adm%20Procedures%20NDMS%20-%20Revised%20Dec%202018.pdf>

SAMPLE FORMAT

Certificate of Service

I hereby certify that on ____ (Date) ____ I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following: _____ and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants: _____

s/ _____

§ 4-108. Notice of Conventional Filing — Form 4.

This form can be obtained from the United States District Court for the Northern District of Mississippi, <https://www.msnd.uscourts.gov/sites/msnd/files/forms/Adm%20Procedures%20NDMS%20-%20Revised%20Dec%202018.pdf>

SAMPLE FORMAT

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
_____ DIVISION**

_____	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	Case No. _____
	)	
_____	)	
	)	
Defendant(s).	)	

NOTICE OF CONVENTIONAL FILING

☐ (Title of document here) is in paper form only and is being electronically filed under seal/or restriction by the Office of the Clerk pursuant to order filed on _____. Said document has been manually served on all parties

OR

☐ (Title of document here) cannot be filed electronically. Said document has been manually served on all parties.

Attorney for (Plaintiff or Defendant)

Address: _____

Date: _____

§ 4-109. Declaration of Technical Difficulties — Form 5.

This form can be obtained from the United States District Court for the Northern District of Mississippi, <https://www.msnd.uscourts.gov/sites/msnd/files/forms/Adm%20Procedures%20NDMS%20-%20Revised%20Dec%202018.pdf>

SAMPLE FORMAT
IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
_____ DIVISION

_____	)	
	)	
Plaintiff(s),	)	
vs.	)	Case No. _____
_____	)	
	)	
Defendant(s).	)	

DECLARATION OF TECHNICAL DIFFICULTIES

Please take notice that _____ was unable to file _____ in a timely manner due to technical difficulties. The deadline for filing the _____ was _____. The reason(s) that I was unable to file the _____ in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

s/[Name of Password Registrant]
Name of Password Registrant
Address
City, State, Zip Code
Phone: XXX-XXX-XXXX
Fax: XXX-XXX-XXXX
E-mail: XXX@XXX.XXX

§ 4-110. Pro Se (Non-Prisoner) Consent & Registration Form to Receive Documents Electronically — Form 6.

This form can be obtained from the United States District Court for the Northern District of Mississippi, <https://www.msnd.uscourts.gov/sites/msnd/files/forms/Adm%20Procedures%20NDMS%20-%20Revised%20Dec%202018.pdf>

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI

Pro Se (Non-Prisoner) Consent & Registration Form to Receive Documents Electronically

Pursuant to Fed.R.Civ.P. 5(b), and Fed.R.Civ.P. 77(d), L.U.Civ.R. 5(c) and the Court's Administrative Procedures for Electronic Case Filing, documents may be served through the court's transmission facilities by electronic means. Documents that are not permitted to be served electronically are pleadings that are to be served with process under Fed.R.Civ. P. 4.

I _____ hereby consent to receive service of documents and notice of electronic filings via the Court's electronic filing system to the extent and in the manner authorized by the above rules and waiving the right to receive notice by first class mail pursuant to Fed.R.Civ.P. 5(b)(2)(D) and Fed.R.Civ.P. 77(d).

I will promptly notify the Court if there is a change in my personal data, such as name, address, and/or e-mail address. I will promptly notify the Court to request cancellation of electronic service.

Litigants who have consented to receive documents electronically will be sent a Notice of Electronic Filing (NEF) via e-mail. Upon receipt of the notice, they are permitted one "free look" at the document by clicking on the hyperlinked documents. The one "free look" will expire 15 days from the date the notice was sent. After the "free look" is used or expires, the document can only be accessed through PACER (Public Access to Court Electronic Records.) It is recommended that litigants establish a PACER account. This can be accomplished by visiting the PACER website at www.pacer.gov. PACER is an automated system that allows an individual to view, print, and download documents for a fee.

My e-mail address is : _____

My case number is: _____

Signature of Litigant

Mailing Address

City, State, Zip Code

Telephone Number

Date: _____

Chapter 5

REAL PROPERTY

- § 5-1. Warranty Deed.
- § 5-2. Special Warranty Deed.
- § 5-3. Quitclaim Deed.
- § 5-4. Deed of Executor/Executrix.
- § 5-5. Deed of Guardian.
- § 5-6. Mineral Right and Royalty Transfer Deed.
- § 5-7. Timber Deed.
- § 5-8. Quitclaim Cemetery Deed.
- § 5-9. Authority to Cancel Deed of Trust.
- § 5-10. Partial Release of Property.
- § 5-11. Boundary Agreement.
- § 5-13. Easement for Ingress and Egress.
- § 5-14. Water Line Easement.
- § 5-15. Sewer Line Easement.
- § 5-16. Easement and Deed of Conveyance of Water and Sewer System.
- § 5-17. Utility Easement.
- § 5-19. Lease.

§ 5-1. Warranty Deed.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

§ 5-2. Special Warranty Deed.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

§ 5-3. Quitclaim Deed.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

23 Am.Jur.2d *Deeds* §§ 10, 15, 58, 286, 223-225, 275-276

26A C.J.S. *Deeds* § 17

§ 5-4. Deed of Executor/Executrix.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51; § 91-7-223

§ 5-5. Deed of Guardian.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51; § 93-19-1; §§ 93-20-401 through 93-20-431

39 Am.Jur.2d Guardian and Ward §§ 38 et seq., 86 et seq., 185 et seq.

§ 5-6. Mineral Right and Royalty Transfer Deed.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

Production On One Tract As Extending Term On Other Tract, Where One Mineral Deed Conveys Oil Or Gas In Separate Tracts For As Long As Oil Or Gas Is Produced, 9 A.L.R.4th 1121

Construction And Effect Of Provision For Payment Of Damages To “Crops” Or “Growing Crops” In Mineral Deed Or Lease, Or In Conveyance Of Pipeline Or Other Underground Easement, 87 A.L.R.2d 235

53 Am.Jur.2d *Mines & Minerals* § 187

§ 5-7. Timber Deed.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

Construction And Effect Of Provision In Timber Deed Or Contract That Lands Shall Be Cut Over Only Once, Or The Like, 57 A.L.R.2d 827

Sufficiency Of Description In Standing Timber Deed Or Contract, 35 A.L.R.2d 1422

52 Am.Jur.2d *Logs & Timber* §§ 10-56

§ 5-8. Quitclaim Cemetery Deed.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

14 Am.Jur.2d *Cemeteries* §§ 21-26

§ 5-9. Authority to Cancel Deed of Trust.

ANNOTATIONS

Miss. Code Ann. §§ 89-5-1 through 89-5-45; § 89-1-51

§ 5-10. Partial Release of Property.

ANNOTATIONS

Miss. Code Ann. §§ 89-5-1 through 89-5-48

§ 5-11. Boundary Agreement.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

12 Am.Jur.2d *Boundaries* §§ 75-92

1 Am.Jur.2d *Adjoining Landowners* §§ 1-39, 70-79

§ 5-13. Easement for Ingress and Egress.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

Location Of Easement Of Way Created By Grant Which Does Not Specify Location, 24 A.L.R.4th 1053

Conveyance Of "Right Of Way," In Connection With Conveyance Of Another Tract, As Passing Fee Or Easement, 89 A.L.R.3d 767

25 Am.Jur.2d *Easements and Licenses in Real Property* §§ 13-14, 16, 18-22, 76-77, 82-84

§ 5-14. Water Line Easement.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

Location Of Easement Of Way Created By Grant Which Does Not Specify Location, 24 A.L.R.4th 1053

Conveyance Of "Right Of Way," In Connection With Conveyance Of Another Tract, As Passing Fee Or Easement, 89 A.L.R.3d 767

25 Am.Jur.2d *Easements and Licenses in Real Property* §§ 13-14, 16, 18-22, 76-77, 82-84

§ 5-15. Sewer Line Easement.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

Location Of Easement Of Way Created By Grant Which Does Not Specify Location, 24 A.L.R.4th 1053

Conveyance Of “Right Of Way,” In Connection With Conveyance Of Another Tract, As Passing Fee Or Easement, 89 A.L.R.3d 767

25 Am.Jur.2d *Easements and Licenses in Real Property* §§ 13-14, 16, 18-22, 76-77, 82-84

§ 5-16. Easement and Deed of Conveyance of Water and Sewer System.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

Location Of Easement Of Way Created By Grant Which Does Not Specify Location, 24 A.L.R.4th 1053

Conveyance Of “Right Of Way,” In Connection With Conveyance Of Another Tract, As Passing Fee Or Easement, 89 A.L.R.3d 767

25 Am.Jur.2d *Easements and Licenses in Real Property* §§ 13-14, 16, 18-22, 76-77, 82-84

§ 5-17. Utility Easement.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

Location Of Easement Of Way Created By Grant Which Does Not Specify Location, 24 A.L.R.4th 1053

Conveyance Of “Right Of Way,” In Connection With Conveyance Of Another Tract, As Passing Fee Or Easement, 89 A.L.R.3d 767

25 Am.Jur.2d *Easements and Licenses in Real Property* §§ 13-14, 16, 18-22, 76-77, 82-84

§ 5-19. Lease.

ANNOTATIONS

Miss. Code Ann. §§ 89-1-1 through 89-1-69; § 89-5-33; § 27-3-51

J. Jackson & M. Miller, *ENCYCLOPEDIA OF MISSISSIPPI LAW*, §§ 62:1 through 62:35 (2001)

23 Am.Jur.2d *Deeds* § 1, et seq.

28 Am.Jur.2d *Estates* §§ 1, et seq.

51 Am.Jur.2d *Life Tenants and Remaindermen* §§ 1, et seq.

Chapter 6

WILLS AND ESTATE ADMINISTRATION

- § 6-1. Last Will and Testament.
- § 6-2. Proof of Will.
- § 6-3. Last Will and Testament — Another Form.
- § 6-4. Last Will and Testament — Another Form.
- § 6-5. Administratrix's Petition to Determine Heirs And Joint Petition by Guardian to Approve Settlement of Doubtful Claims of Estate and of Minors.
- § 6-6. Decree Determining Heirs and Authorizing Administratrix and Guardians to Settle Doubtful Claims of Estate and of Minors.
- § 6-8. Waiver of Process.
- § 6-9. Receipt for Decree Restricting Withdrawal.
- § 6-10. Acknowledgment of Receipt.

§ 6-1. Last Will and Testament.

ANNOTATIONS

Miss. Code Ann. §§ 91-5-1 through 91-5-35

Robert A. Weems and Katherine L. Evans, Mississippi Law of Intestate Succession, Wills, and Administration and the Proposed Mississippi Uniform Probate Code: A Comparative Analysis, 62 Miss. L.J. 1

79 Am.Jur.2d *Wills* §§ 1-53, 183-326

§ 6-2. Proof of Will.

ANNOTATIONS

Miss. Code Ann. §§ 91-5-1 through 91-5-35

Robert A. Weems and Katherine L. Evans, Mississippi Law of Intestate Succession, Wills, and Administration and the Proposed Mississippi Uniform Probate Code: A Comparative Analysis, 62 Miss. L.J. 1

79 Am.Jur.2d *Wills* §§ 54 et seq.

§ 6-3. Last Will and Testament — Another Form.

ANNOTATIONS

Miss. Code Ann. §§ 91-5-1 through 91-5-35

Miss. Code Ann. § 91-7-155

Miss. Code Ann. § 91-7-157

Miss. Code Ann. § 91-7-35

Miss. Code Ann. § 91-7-49

Miss. Code Ann. § 91-8-816

Robert A. Weems and Katherine L. Evans, Mississippi Law of Intestate Succession, Wills, and Administration and the Proposed Mississippi Uniform Probate Code: A Comparative Analysis, 62 Miss. L.J. 1

31 Am.Jur.2d *Executors and Administrators* §§ 613, 614; §§ 158, 159

76 Am.Jur.2d *Trusts* §§ 68, 69, 71

79 Am.Jur.2d *Wills* §§ 54 et seq.

80 Am.Jur.2d *Wills* §§ 1671 et seq.

§ 6-4. Last Will and Testament — Another Form.

ANNOTATIONS

Miss. Code Ann. §§ 91-5-1 through 91-5-35

Miss. Code Ann. § 91-7-155

Miss. Code Ann. § 91-7-157

Miss. Code Ann. § 91-7-35

Miss. Code Ann. § 91-7-49

Miss. Code Ann. § 91-8-816

Robert A. Weems and Katherine L. Evans, Mississippi Law of Intestate Succession, Wills, and Administration and the Proposed Mississippi Uniform Probate Code: A Comparative Analysis, 62 Miss. L.J. 1

31 Am.Jur.2d *Executors and Administrators* §§ 613, 614; §§ 158, 159

76 Am.Jur.2d *Trusts* §§ 68, 69, 71

79 Am.Jur.2d *Wills* §§ 54 et seq.

80 Am.Jur.2d *Wills* §§ 1671 et seq.

39 Am.Jur.2d *Guardian and Ward* §§ 11 et seq.

§ 6-5. Administratrix's Petition to Determine Heirs And Joint Petition by Guardian to Approve Settlement of Doubtful Claims of Estate and of Minors.

ANNOTATIONS

Miss. Code Ann. §§ 91-1-27, 91-1-29, 91-7-229

Uniform Chancery Court Rule 6.10

Robert A. Weems and Katherine L. Evans, Mississippi Law of Intestate Succession, Wills, and Administration and the Proposed Mississippi Uniform Probate Code: A Comparative Analysis, 62 Miss. L.J. 1

23 Am.Jur.2d *Descent and Distribution* §§ 24 et seq., §§ 41 et seq.

31 Am.Jur.2d *Executors and Administrators* §§ 649 et seq.

39 Am.Jur.2d *Guardian and Ward* § 107

§ 6-6. Decree Determining Heirs and Authorizing Administratrix and Guardian to Settle Doubtful Claims of Estate and of Minors.

ANNOTATIONS

Miss. Code Ann. §§ 91-1-27, 91-1-29, 91-7-229

Uniform Chancery Court Rule 6.10

Robert A. Weems and Katherine L. Evans, Mississippi Law of Intestate Succession, Wills, and Administration and the Proposed Mississippi Uniform Probate Code: A Comparative Analysis, 62 Miss. L.J. 1

23 Am.Jur.2d *Descent and Distribution* §§ 24 et seq., §§ 41 et seq.

31 Am.Jur.2d *Executors and Administrators* §§ 649 et seq.

39 Am.Jur.2d *Guardian and Ward* § 107

§ 6-8. Waiver of Process.

ANNOTATIONS

M.R.C.P. 4

Robert A. Weems and Katherine L. Evans, Mississippi Law of Intestate Succession, Wills, and Administration and the Proposed Mississippi Uniform Probate Code: A Comparative Analysis, 62 Miss. L.J. 1

§ 6-9. Receipt for Decree Restricting Withdrawal.

ANNOTATIONS

Robert A. Weems and Katherine L. Evans, Mississippi Law of Intestate Succession, Wills, and Administration and the Proposed Mississippi Uniform Probate Code: A Comparative Analysis, 62 Miss. L.J. 1

39 Am.Jur.2d *Guardian and Ward* § 48; §§ 162 et seq.

§ 6-10. Acknowledgment of Receipt.

ANNOTATIONS

39 Am.Jur.2d *Guardian and Ward* § 48; §§ 162 et seq.

Chapter 7

MISCELLANEOUS LEGAL FORMS

- § 7-1. Limited Power of Attorney.
- § 7-2. General Durable Power of Attorney.
- § 7-3. Mississippi Acknowledgment Form § 89-3-7 (natural persons acting in their own right).
- § 7-4. Mississippi Acknowledgment Form § 89-3-7 (corporations).
- § 7-5. Mississippi Acknowledgment Form § 89-3-7 (a corporate general partner of a limited partnership).
- § 7-6. Mississippi Acknowledgment Form § 89-3-7 (individual signing for the partnership).
- § 7-7. Mississippi Acknowledgment Form § 89-3-7 (a corporate member of a member-managed limited liability company).
- § 7-8. Mississippi Acknowledgment Form § 89-3-7 (a corporate member of a manager-managed limited liability company).
- § 7-9. Mississippi Acknowledgment Form § 89-3-7 (persons acting in representative capacities).
- § 7-10. Mississippi Acknowledgment Form § 89-3-7 (proof of execution of the instrument made by a subscribing witness).
- § 7-11. Mississippi Acknowledgement Form § 89-3-7(h) (any business organization, foreign or domestic).

§ 7-1. Limited Power of Attorney.

ANNOTATIONS

Miss. Code Ann. §§ 87-3-1 through 87-3-17, 87-3-101 through 87-3-113

3 Am.Jur.2d *Agency* §§ 21-32

§ 7-2. General Durable Power of Attorney.

ANNOTATIONS

Miss. Code Ann. §§ 87-3-1 through 87-3-17, 87-3-101 through 87-3-113

3 Am.Jur.2d *Agency* § 26

§ 7-3. Mississippi Acknowledgment Form § 89-3-7 (natural persons acting in their own right).

ANNOTATIONS

Miss. Code Ann. § 89-3-7

3 Am.Jur.2d *Agency* § 24

§ 7-4. Mississippi Acknowledgment Form § 89-3-7 (corporations).

ANNOTATIONS

Miss. Code Ann. § 89-3-7

3 Am.Jur.2d *Agency* § 24

§ 7-5. Mississippi Acknowledgment Form § 89-3-7 (a corporate general partner of a limited partnership).

ANNOTATIONS

Miss. Code Ann. § 89-3-7

3 Am.Jur.2d *Agency* § 24

§ 7-6. Mississippi Acknowledgment Form General/Limited Partnership (individual signing for the partnership).

ANNOTATIONS

Miss. Code Ann. § 89-3-7

3 Am.Jur.2d *Agency* § 24

§ 7-7. Mississippi Acknowledgment Form § 89-3-7 (a corporate member of a member-managed limited liability company).

ANNOTATIONS

Miss. Code Ann. § 89-3-7

3 Am.Jur.2d *Agency* § 24

§ 7-8. Mississippi Acknowledgment Form § 89-3-7 (a corporate manager of a manager-managed limited liability company).

ANNOTATIONS

Miss. Code Ann. § 89-3-7

§ 7-9. Mississippi Acknowledgment Form § 89-3-7 (persons acting in representative capacities).

ANNOTATIONS

Miss. Code Ann. § 89-3-7

3 Am.Jur.2d *Agency* § 24

§ 7-10. Mississippi Acknowledgment Form § 89-3-7 (proof of execution of the instrument made by a subscribing witness).

ANNOTATIONS

Miss. Code Ann. § 89-3-7

3 Am.Jur.2d *Agency* § 24

§ 7-11. Mississippi Acknowledgement Form § 89-3-7(h) (any business organization, foreign or domestic).

STATE OF _____
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 20____, within my jurisdiction, the within named _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed in the above and foregoing instrument and acknowledged that he/she/they executed the same in his/her/their representative capacity(ies), and that by his/her/their signature(s) on the instrument, and as the act and deed of the person(s) or entity(ies) upon behalf of which he/she/they acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

(NOTARY PUBLIC)

My commission expires:

(Affix official seal, if applicable)

